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JOHN XAVIER MERRIMAN

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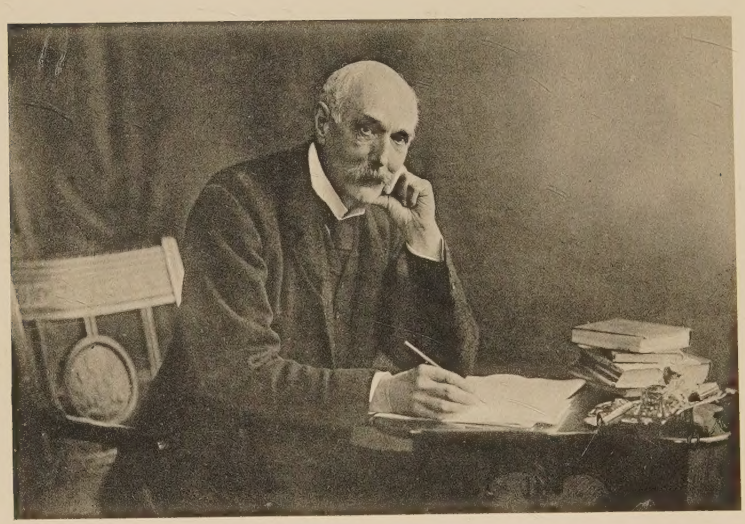

J. X. MERRIMAN

THE LIFE OF
JOHN XAVIER MERRIMAN

by

SIR PERCEVAL LAURENCE
K.C.M.G.

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PREFACE

When Mr. Merriman's executors requested me to write his life, I felt that my age and the many infirmities which, since my retirement from the South African Bench, have sadly circumscribed my activities, would preclude my undertaking what, on the information supplied, would clearly be a long and laborious task. I felt moreover that, while I had known Merriman for many years, our paths in South Africa had mainly lain apart, and that occasions for communication, and opportunities for personal contact, had been comparatively rare.

Among those who joined the executors in urging me to make the attempt was Sir James Rose Innes, who had recently retired from the post of Chief Justice of the Union. Sir James had been Merriman's colleague in Parliament and Cabinet, and for some forty years they had been close friends. I thought therefore that he would be far better qualified to be his biographer ; and it was only after failing to persuade him to undertake the work, and ascertaining that no other writer with the requisite qualifications appeared to be available, that I agreed, with much misgiving, and on certain conditions, to comply with the request. My main stipulation was that the executors should obtain for me—I was in England at the time of this correspondence—the co-operation of Mr. A. C. Lloyd, the Librarian of the South African Library at Cape Town. Mr. Lloyd had been at one time Merriman's Secretary ; he had long enjoyed his friendship and assisted him in much of his work. He had, as I understood, at an earlier date, been approached by a firm of publishers with a suggestion that he should write his biography, which he felt unable to entertain. I thought, however, that he might now be willing to give me his help, particularly in the examination of the mass of correspondence and other documents which required co-ordination.

Merriman was a great writer of letters and preserved a large portion of those received, together with many drafts or copies of his own. Beside letter-books and diaries, there were many thousands of loose documents and, after I had secured the help of Mr. Lloyd, the time he could spare for this work was almost engrossed by getting these papers into order and preparing a catalogue which ran into several volumes. After doing some preliminary work here, with such data for the earlier years as I could collect from various sources, I proceeded to the Cape, where I worked with Mr. Lloyd for some months and made as much progress as the state of my health, and his other avocations, permitted. Since my return to England, he has supplied me with further data and completed his investigation of the correspondence. I have said sufficient to indicate that his co-operation was, as I had foreseen, an indispensable element in the work.

I am bound to add that the result of the scrutiny of all these papers has been rather a disappointment. The percentage of matter suitable for extracts or citation proved smaller than I had anticipated. The letters included references, often of a humorous or sarcastic character, to persons no longer of any importance. They were obviously not intended for publication and, if now quoted, might cause annoyance and distress. Other letters contained diatribes on the policy or proceedings of persons of more importance, from which one would gather that most of them must have suffered from a double dose of original sin. To some of those thus vituperated he afterwards became an attached friend and a frequent correspondent. By leaving all these communications in his repositories, Merriman showed great confidence in the discretion of his biographer.

Besides these documents, of which only a very small percentage proved serviceable, the material available consisted largely in the arid waste of parliamentary reports—often very meagre and jejune—in the chronicle of events in the public press, and in the personal recollections and appreciations with which I have been favoured by some of his

friends and colleagues. One of my principal difficulties has been the problem of the treatment of those public affairs which have already been narrated by other pens. The whole period has been covered by the recent publication by Professor Walker of his able and comprehensive *History of South Africa*, a work of which the principal criticism which suggests itself is that it contains so much detail as to past events that it sometimes becomes difficult to see the wood for the trees. There have also appeared monographs on some of the principal characters concerned, such as the various lives of Rhodes, among which I have found the eclectic sketch of Mr. Basil Williams particularly useful, the *Life of Hofmeyr* by Mr. J. H. Hofmeyr, and that of Lord de Villiers by Mr. Walker. With regard to such publications I have felt something of a dilemma. On the one hand, one hesitates *acta agere* ; on the other, one can scarcely presume that the readers of a biography of Merriman are familiar with those of his contemporaries. The only course I could adopt was, while availing myself—I trust with adequate acknowledgment—when occasion arose, of such publications, to confine the scope of my own work as far as possible to those events in which its subject was principally concerned or in the development of which he played a conspicuous part.

It was formerly the fashion for biographies to be long and laudatory ; the present tendency is to make them critical and concise. The late Lord Goschen perhaps set the fashion by expressing the hope that, if his life were written, it should be limited to a single volume. While biographical literature has still its vogue, it is generally recognized that, in this mobile age, few readers possess leisure or patience for the perusal of a detailed narrative of the sayings and doings and casual correspondence of the subjects of such works. Johnson remarked of biography that " it is rarely well executed. They only who live with a man can write his life with any genuine exactness and discrimination, and few people who have lived with a man know what to remark about him." [1] To this

[1] *Life*, Hill's ed., ii. 446.

assertion there are of course many exceptions. Boswell's own *magnum opus* leaps to the eye. The biographies written by Lockhart, Trevelyan and Morley are other salient instances ; another is afforded by Mrs. Gaskell's *Life of Charlotte Brontë.* M. Maurois, who has recently published a study of the subject, suggests that modern biography should be " a courageous search for truth ; " he seems indeed to hold that some sort of *liaison* between the writer and his subject is essential to success. The former, in making his portrait, should not ignore Cromwell's hint about the warts.

Of Merriman it may be said that he had—as who has not ? —his failings and his foibles ; his knowledge may have sometimes been superficial, his language intemperate, and his recollection of former incidents inexact. Such matters I have not ignored ; on the other hand, I have sought to do justice to his outstanding gifts, to the high standard of conduct maintained throughout his long career, and to the main features and characteristics of a fascinating personality. I must beg the indulgence of the reader for a work compiled under many difficulties and which, as already observed, I should have been unable to prepare without the co-operation of Mr. Lloyd. For all errors or shortcomings I am alone responsible.

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CHAPTER I

BIRTH, PARENTAGE AND EARLY DAYS

Birth and Parentage—The Merrimans of Marlborough—Nathaniel Merriman goes to Oxford and takes Orders—His eldest son, John Xavier, born in Somerset—Nathaniel goes to South Africa as Archdeacon of Grahamstown—His missionary spirit Tra 's on the frontier—Bishop of Grahamstown—Ecclesiastical Controversies—J. X. goes to Radley—The race with Eton—A job in the City—Returns to the Cape and practises as a Surveyor.

NATHANIEL MERRIMAN, father of the subject of this biography, came of a family which traced its descent from one of Cromwell's captains. He married Miss Potter, of Manchester, a lady of singular ability, who included Potter, the regicide, among her ancestors. The Merriman family had long been associated with Marlborough in Wiltshire—a picturesque town, adjacent to the forest of Savernake, with the broadest High Street in England, and now the site of a successful College. Three members of the family, born in the same town, had acquired distinction as physicians and apothecaries in London in the eighteenth and nineteenth centuries. Nathaniel, son of a solicitor, born there in 1811, was Senior Prefect at Winchester and an exhibitioner of Brasenose ; he took a second in Greats in 1831—the year in which Gladstone achieved his double first. After taking his degree Merriman went into the Church, and took duty in Lancashire, where Gladstone, with whom he had maintained the friendship of their Oxford days, offered him the incumbency of a church which his father had built at Liverpool. Merriman, however, had now settled at Street, a small town in Somerset, near Glastonbury, of which Lord John Thynne was rector ; and it was at Street that his eldest son, John Xavier, was born in 1841.[1]

[1] According to the *Dictionary of National Biography*, Merriman became Vicar of Street in 1841. The benefice of Street is not a Vicarage but a Rectory, in the

"My bones," he was wont to assert, "were made in the stupidest county in England." This pretension was perhaps akin to the rhetorical trope known to the grammarians as *meiosis*; it scarcely seems warranted by the facts. Mr. Havelock Ellis, who has investigated such matters, while assigning the mental primacy to East Anglia, has come to the conclusion that, in the roll of English worthies, the next place is held by the south-western counties, from Somerset to Cornwall. However that may be, an Englishman may well rest content with his birthplace in a county which comprises the hallowed soil of Glastonbury, the majestic fane of Wells, and the great chronicle of Bath.[1]

Merriman was never quite at ease with his second name, which he thought eccentric. The compound surname of a contemporary statesman was contracted in the House into the hypocorism of "Jix"; somewhat similarly, Merriman was habitually referred to by his friends and associates at the Cape as "J. X." The name may doubtless be attributed to the evangelistic spirit which induced his father to hope, from the day of his birth, that his eldest son might become a missionary. He had himself been anxious, shortly after his ordination, to go to India as a missionary. It was the same spirit which led him, some years afterwards, to accept the offer from Bishop Gray, of Cape Town, of the position of Archdeacon of Grahamstown.

He was much missed at Street, where, in the absence of the rector, he had frequently been in charge of the parish. He had won the affection of the community by his practical

patronage of the Marquis of Bath. The statement in the text, derived from a sketch of the Bishop's career in a family magazine, is therefore presumably authentic.

[1] A letter to a Scotch friend, written late in life, has the following exordium: "Every day in my orisons I thank the powers that rule our destinies that I was born in Somersetshire, that nest of spicery, that cradle of English freedom, from whose soil surely one derives a modicum of that divine stupidity which has somehow carried us, muddleheaded and blundering, round the world, while to your race is given that *perfervidum ingenium* that wearies itself overmuch. Can you imagine Somerset as the cradle of Calvinism?" In his letters the phrase "nest of spicery" frequently recurs. It will be found in Shakespeare (*Richard III*, iv. 4), where it seems to have a somewhat different significance.

philanthropy. His means were scanty ; but, in order to make his pastoral work more welcome, he had set up a shoemaker's bench in his study, and was able to make presents to his parishioners of boots and shoes. It is possible that he acquired this craft with a view to the exigencies of missionary travel, which he still contemplated, and it doubtless often proved serviceable during his long tramps on the veld.

On his departure from Street, a fund of over £2,000 was raised for him to use as he thought best ; and the Church of St. Bartholomew's at Grahamstown was afterwards built with this money. Not the least valued of the furnishings of his new home at Grahamstown was a rug, presented to him as a parting souvenir by his friends the Quakers of Street.

Grahamstown, the City of the Settlers of 1820, was the ecclesiastical centre of the border districts, between the Great Fish River and the Kei River, which then separated the Cape Colony from Kaffraria. It included the whole of the eastern border, from Albany to Aliwal North, where the Orange River divided the Colony from the Free State. At this time (1848) Sir Harry Smith was Governor of the Cape ; Aliwal North and Aliwal South (now Mossel Bay) derived their names from his famous victory over the Sikhs ; Harrismith in the Free State, Ladysmith in Natal, and Ladismith at the Cape, all trace their names to the same source, and to the Spanish lady with whom, at the Siege of Badajoz, Smith had contracted a romantic marriage.

When Merriman arrived in South Africa, the country was much disturbed. Such disturbances indeed may almost be said to constitute its chronicle. The friction between Boers and British had been for the nonce arrested by the proclamation of British sovereignty over the Free State, as the result of the defeat of the Boers at Boomplaats by Sir Harry Smith. This arrangement, however, did not prove permanent. The Free State was restored to the Boers in 1854, while the independence of the emigrant farmers beyond the Vaal River had already been conceded by the Sand River Convention of 1852.

The Archdeacon must have had an anxious time for the first few years after his arrival owing to the harassing propensities of the frontier Kafirs, whose raids sometimes extended to the District of Albany, where Grahamstown was situated. Settlers were in constant peril from raids ; their homesteads were attacked, their cattle and crops seized, and they had to seek safety in hurried flight. During the first four years after Merriman began his work in the Eastern Province, there was constant fighting with the Kaffrarian natives under Sandilli ; at one time the Governor was himself surrounded in a frontier post, whence he escaped by sallying out in the uniform of the Cape Mounted Rifles and making a dash, with a small escort, for King Williams Town. It was not till 1854 that peace with the natives was brought about by Sir George Cathcart, who had succeeded Sir Harry Smith as Governor. Sir George—a gallant soldier who shortly afterwards fell at Inkerman—probably having in mind the *agri limitrophi* of Rome, pacified the border under the Cathcart Settlement, by which free farms were granted to young colonists on a military tenure, which made them responsible for its defence, and gradually established some measure of security.

Apart from strife with the natives, the facilities for communication were very limited. Roads were mere tracks on the veld, and the only vehicle available was usually the ox-wagon, which in favourable circumstances covered two or three miles an hour for some seven hours in the day. Transport was dilatory and expensive ; but the Archdeacon was an indefatigable pedestrian. He is said to have taken his scrip and staff and made most of his visitations on foot. He visited as often as possible the scattered settlements of the farmers and lost no opportunity of preaching the gospel to the heathen. Some of the perils and privations, the adventures and hardships, of his itinerant evangelization, as recorded in his private diary, remind the reader of those described by the apostle in writing to the disciples at Corinth (2 Cor. xi. 26, 27). " He is a very remarkable man," wrote Bishop

Gray in 1849 ; " his self-denial and energy, both in mind and body, are greater than in any other man I have ever met."

In 1853 Grahamstown was constituted a separate diocese and Merriman was offered, but declined, the first appointment to the new see. He was also twice invited to accept the Bishopric of Bloemfontein. He was, however, elected, in 1871, to a subsequent vacancy at Grahamstown. In the following year, on the death of Bishop Gray, he was asked by the Synod to succeed him as Metropolitan at the Cape, but declined on the ground of advancing years. Seldom, if ever, can a priest have pronounced the formula *nolo episcopari* so frequently and sincerely as Nathaniel Merriman.

Unfortunately, his latter years were disquieted with ecclesiastical controversy. He had appeared as prolocutor for the clergy in the proceedings for heresy instituted, on grounds which now appear hopelessly inadequate, against Bishop Colenso. After his elevation to his Bishopric he found himself at issue with the Dean of Grahamstown. The Dean, who held his incumbency of the cathedral church as a Crown appointment, denied the Bishop's right to officiate there without his consent. There ensued an unseemly squabble for the pulpit, and the excommunication of the Dean by the diocesan Synod. But when the Bishop instituted proceedings in the Supreme Court to enforce this decree, his action failed. The Court held that the Church of South Africa was a separate community to which the Dean was not amenable, and the judgment was confirmed on appeal by the Judicial Committee (Foord's *Reports*, S.C. 131, 196 : L.R., 7 App. 484). It had been held by the Privy Council that, after the grant of responsible government, it was no longer competent to the Crown to issue letters patent for the appointment of a Bishop at the Cape, and Merriman had been elected by a conclave of clergy and laity in council. The Bishop survived till 1882, when he died, as the result of a carriage accident, at Grahamstown. He had lived long enough to see his eldest son rise to prominence in public life. At the time of his

decease John X. was in his second term of office as a Cabinet Minister at the Cape.

One disability, it may perhaps here be mentioned, transmitted by the Bishop to his son, was that of appreciating the art of music. Both had a good ear for rhythm but not for tone. Merriman seems to have agreed with Alphonse Karr in regarding music as the most expensive of noises. In this connection a story is told of one of his voyages, in which he showed exceptional proficiency in the game of deck quoits. A tournament was held in which he was freely backed as the favourite. A medical practitioner from the Cape, with a sense of humour, knowing his little weakness, made a book on the field. As the hour approached for the final round, he had a word or two with the master of the band. When Merriman's turn arrived, the band opened, with a crash, the longest and noisiest item in its programme. Merriman was put off his stroke—and the supporter of the field made his scoop.

But Merriman was fortunate in his parentage. The Bishop's wife was a woman of much capacity and great force of character. Of a rather pugnacious temperament, she proved a forceful ally to the Bishop in his polemics with the Dean. She lived to become a nonagenarian, and, during the long years of her widowhood, was in constant correspondence with her eldest son. She followed his fortunes with the greatest sympathy and interest, and had the gratification of seeing him become the last Prime Minister of the Cape. She lived just long enough to witness the consummation of the Union of South Africa. Among the many letters of sympathy her son received at her loss, he was much touched by one from a member of the Transvaal Ministry, who wrote : " It has fallen to the lot of few men to have had such a mother and, if you will allow me to add, to few mothers to have such a son."

When the Archdeacon came out with his family to the Cape his eldest son went for a season to the Diocesan School, near Cape Town, and then returned to England, where an

arrangement had been made, with the help of friends, for the completion of his education at Radley College, a public school recently established near Oxford, where special facilities were afforded to sons of the clergy. Radley, notwithstanding its comparatively small numbers, has always enjoyed a good reputation and has held its own both in the schools and on the river. There can remain but scanty recollections or traditions of the school days of one who probably survived all his school contemporaries ; for Merriman lived to the great age of 85. He entered Radley in September 1856 and left at the end of 1858, being then a prefect in the sixth form.

Radley must have felt complimented when, in that year, Eton, for the first time, challenged their boat for a race at Henley. The challenge was accepted and Eton—stroked by the late Lord Cloncurry, who survived till 1928—won by about two-thirds of a length. Merriman rowed in this race ; among his colleagues was Woodgate, afterwards distinguished as an Oxford oar. In his *Reminiscences of an Old Sportsman* Woodgate says that " Merriman was a good six feet high when he came to Radley, barely fifteen. He was by far the fastest swimmer in the school. He came to the front as an oar in his last year." The race with Eton attracted a good deal of interest and is referred to in a sketch of *Eton seventy years ago*, published in *The Times* of 13th July, 1928. Among his " Emblems " there was nothing that Merriman valued more highly than the small silver model of an oar which he received as a member of the Radley crew. Could he have known it, he would have appreciated the kindly thought of one to whom Radley was not less dear, who arranged for a wreath to be laid on his coffin in which the colours of Radley were combined with those of his earlier school at Rondebosch.

It was doubtless at Radley that he imbibed that aptitude for scholarship and taste for letters which, as a wide reader with an exceptionally retentive memory, he maintained through life. His speeches and conversation were often adorned by some apt parallel or historical allusion, a quota-

tion from the Bible, Shakespeare or *Candide*. A Treasury vote would be defended by the proverbial wisdom of Solomon—" there is that scattereth and yet increaseth "—or an argument or policy clenched by a pregnant sentence from Burke.

Had he proceeded to Oxford he would doubtless have followed in the paternal footsteps and achieved academic distinction. It seems that his father might have arranged for him to do so, had he been willing, after taking his degree, to enter the Church ; but he did not see his way to give any such undertaking ; and the Archdeacon, with limited means and a growing family—he had three sons and six daughters—concluded that his eldest son should try as soon as possible to earn his own bread and cheese. Accordingly, when barely eighteen, he left school and found a place with a firm in the City, trading with India and China ; for a time he was learning the business of a tea-taster and silk expert. Among his papers there is a testimonial from his employer to the diligence and capacity he had displayed when thus engaged. At this time he was one of the earliest volunteers in the Queen's Westminsters, and in that capacity was included in a guard of honour to Garibaldi.

After three years in London, finding that tea-tasting did not agree with him, he decided to return to the Cape, where he arrived in 1862. He obtained some temporary work in the Colonial Office, and prepared to practise as a land surveyor. Meanwhile he distinguished himself, in a great combat between the Civil Service and the Military, in what the *Argus* describes as the first football match played in South Africa. He was admitted as a sworn surveyor in 1863 and got some work both from the Government and private land-owners. The Government sent him to survey some land claimed by the Free State on the border of Basutoland, and to make some surveys in the Tulbagh District, while at a later date he was directed to re-survey Constantia. Among private surveys, he made some for the Cape Copper Company in Namaqualand and others in the neighbourhood of Aliwal,

both of which districts he subsequently represented in Parliament. He also spent some time on similar work in the Ceres District, where he occupied his leisure hours with the poetry of Swinburne, then at the height of his reputation. Fifty years afterwards he was still able to recite long passages from the *Atalanta* and many of the *Poems and Ballads*.

CHAPTER II

IN PARLIAMENT AT THE CAPE : MARRIAGE

In touch with the Boers—Becomes Member for Aliwal North—Opposes Responsible Government—Discovery of the Diamond Fields—Merriman goes to Kimberley and becomes a friend of Rhodes—Molteno forms Ministry under Responsible Government—Merriman opposes but afterwards joins Cabinet as Commissioner—Marries Agnes Vintcent—A happy union.

CANDOUR—and the Archives of the Office—constrain the admission that Merriman was by no means a good surveyor ; but his practice as such involved a good deal of travelling. He got to know the Boers, and, while drinking coffee and smoking his pipe on the stoep, acquired some insight into their way of life and made some progress with the *taal*. In a note in his diary, many years afterwards, he mentions that, during a sharply contested election at Wodehouse, he addressed a meeting in Dutch. In later years, when sitting for Victoria, he invariably spoke in Dutch at his meetings in the Division, often at considerable length. When he first went into Parliament he somewhere asserts that he could scarcely string ten words together (in his own language), but he soon became known as an effective speaker. A shrewd observer has recently dilated on the extent to which an effective and well-managed voice—such, for instance, as that of Joseph Chamberlain—contributes to success in Parliament ; [1] and Merriman possessed this qualification in a high degree.

He had a striking presence and finely modulated voice, of which the inflexions, with their rhythmical cadence, held the attention of his audience and seemed to harmonize with his theme. At that time it was not always easy to find qualified candidates for the representation in Parliament of districts remote from the Cape Peninsula. There was then no salary

[1] *Westminster Voices*, by James Johnston, London, 1928.

attached to the position. Members received their travelling expenses and a small daily allowance for maintenance during the Session; but the professional man in the Eastern Province, the busy merchant, or the substantial farmer, was seldom in a position to set aside his own occupation, and spend several weeks as a legislator in the "shank end" of the Colony. Merriman had time at his disposal; he bore a name respected throughout the border; and in 1869 he entered the House as member for Aliwal North—a constituency which long provided his friend and associate Sauer with a safe seat. For the next half-century he was one of the most distinguished personalities in the public life of South Africa. With the exception of two months after the Boer War, he sat continuously in Parliament till 1924.

When he was first elected the Colony was still administered under the Constitution of 1854. There was a bicameral Legislature, of which the members of the Executive Council, nominated by the Governor, were not members, and to which they were not responsible. Parliament, however, voted supplies, without which the Colony could not be administered. During the first two Parliaments much progress had been made under the enlightened administration of Sir George Grey, which had enjoyed the cordial support of the Legislature, but when the next Parliament met, in 1862, Sir George had returned to New Zealand and had been succeeded at the Cape by Sir Philip Wodehouse. Sir Philip was confronted with many difficulties, especially with regard to the situation in British Kaffraria and the state of public finance. Parliament was reluctant to vote the necessary supplies for meeting obligations which had been incurred and balancing revenue with expenditure.

The feeling in favour of responsible government, advocated in previous years by such public men as Paterson and Porter, Saul Solomon and Molteno, grew in strength. "Representative institutions without responsibility," as Gibbon Wakefield had remarked, "is much like having a fire in a room with the chimney closed." There was, however, a

strong impression among the representatives of the Eastern Province that a Ministry responsible to a Parliament sitting at Cape Town was scarcely likely to do justice to the claims and exigencies of the eastern portion of the Colony.

Meanwhile, the financial situation had changed rapidly for the worse. There had been a prolonged drought and many of the vineyards had been ravaged by the *oidium* pest. There were many failures, much unemployment, and general distress. A motion in favour of responsible government had again been defeated. It was in such circumstances that Merriman presented himself as a candidate at Aliwal. The general condition of the country and the special circumstances of the Eastern Province supplied him with arguments against responsible government. A more specific appeal to a pastoral electorate is said to have been made in the shape of posters, put up by an agent before his arrival, bearing the legend—" Stem voor Merriman en geen belasting op wol." (" Vote for Merriman and no tax on wool.")

In after years he spoke of the incident as if no such thing had ever been contemplated ; but, as a matter of fact, it had been advocated some years previously and was actually included in the taxation proposals put forward by the Governor in 1867. In any case, there was no saying what the wily wheat-farmers and wine-farmers of the West might next propose ; and the slogan may have impressed some of the sheep-farmers of the border. Merriman, after a sharp contest, was duly elected, as an opponent of such taxation, which was not then contemplated, and of responsible government, of which the hour was at hand. A petition was presented against his return based on an allegation that he did not possess the necessary qualifications as an elector. De Villiers, afterwards Chief Justice, appeared for the petitioners before the House ; but no Committee seems to have been appointed for its hearing and it was therefore presumably withdrawn.

At the end of the year there was a dissolution and at the ensuing election he was again returned. " Meanwhile," he

says, in a letter written in the following January to a relative in England, after describing a surveying tour in Namaqualand for the Cape Copper Company, "Aliwal North has again after a contested election recognized—shall I say my merits?—by electing me. And here I am in Cape Town for the Session. It is likely to be a stormy one, the great question being the form of our Constitution, Responsible Government or otherwise. The difficulty in the way of introduction of self-government here is the mixed population, there being a great danger that we should become a Dutch republic under such a *régime*. The natives are also a ticklish job for a ministry always changing to manage, as they require above everything else a *settled* policy of one kind or another. Of course, for adventurers like myself responsible government offers some field; still I do not think I shall support it."

From this one gathers that, on this occasion, Merriman had not pledged himself to oppose responsible government, which, as he recognized, offered "some field" to "adventurers" like himself. He was, however, alive to the risk of a parliamentary majority at some future date advocating independence. In that event, the trend of British statesmanship in those days being distinctly in favour of curtailing our responsibilities beyond the seas, the home Government might well have been content with the maintenance of a naval station at the Cape, leaving the people of the country to manage their domestic affairs as they might think best. Another subject on which he felt strongly was the importance of a just and settled policy, covering the whole complex of native affairs, and the risks involved in such matters becoming a sort of auction mart for rival politicians.

His first appearance as a legislator may be said to have coincided with two events, which had a marked influence on the future of public life at the Cape—the discovery of the diamond fields of South Africa and the constitution of the Canadian Dominion under the Act of 1867.

The story of the discovery of diamonds in South Africa has

often been told.[1] Let it suffice to say here that, late in the sixties, more than one very valuable stone was found in the possession of natives living not far from the confluence of the Vaal with the Orange River. It was in 1869 that the "Star of South Africa"—originally offered for sale to a storekeeper by a Hottentot—dawned on the horizon. Shortly afterwards alluvial digging began, and is still carried on, on the banks of the Vaal, not far from Klip Drift, now known as Barkly West. Some time elapsed before the discovery of the "dry diggings" at or adjacent to the present town of Kimberley; and the four great mines of Bultfontein and Dutoitspan, De Beers and Kimberley—I mention them in the order of their discovery—have proved, for a period exceeding half a century, one of the principal sources of South African wealth.[2] There was a rapid change in the financial position at the Cape. Great stores of commodities imported for the fields enriched the customs at the ports; the farmer found a good market for his produce; the kurveyor, or transport-rider, made his fortune in the conveyance of goods of every description over the great expanse which separated the ports, or other sources of supply, from the customer at the mines. The opposition to responsible government was of course much weakened by this sudden change in the fortunes of the State.

An "adventurer" like Merriman, as he described himself, was not likely to neglect the opportunity which was thus afforded of improving his fortunes. There must have been plenty of scope in Griqualand West for a land surveyor; but he had probably concluded that plotting beacons was not precisely his forte, and that on the whole the traffic in precious stones was more likely to prove a lucrative pursuit. From 1870 till 1874 he seems to have divided most of his time—he went to Europe on a trip in 1873—between dia-

[1] The most comprehensive account of the Diamond Mines is the work on the subject by Mr. Gardner Williams, formerly Manager of De Beers, published in 1902.

[2] The Wesselton Mine, not far from Dutoitspan, was discovered at a later date.

mond dealing at Kimberley and his parliamentary duties at the Cape. At Kimberley he had a partner named Becher, and they seem to have been supported by a " syndicate " at the Cape in which Merriman's life-long friend, Charles Manuel, held the largest interest. Such support was indeed required, if the story is true that on one occasion Becher gave £9,000 for a stone, which he purchased by candle light. On further examination it proved to have a flaw, which reduced its value to about one-third of that sum. Other people were interested in the purchase, but the transaction, during Merriman's absence in England, can have done the firm no good.

Merriman did not enjoy his stay at Kimberley, where the conditions of life at that time involved much sickness and great discomfort. Perhaps the most important factor of his residence there was his making the acquaintance of Cecil Rhodes, a friend of Becher, then hard at work on a pumping contract at De Beers. When I went out to the Cape, some ten years afterwards, a fellow passenger, whose opinion I valued, told me I should find in Merriman the most interesting personality at the Cape. Shortly after my arrival, when I was leaving Cape Town for Kimberley, Merriman said the same thing of Rhodes.

During his stay on the Diamond Fields their acquaintance had ripened into friendship. They had indeed a good deal in common, and in particular agreed in the conviction that political life at that time afforded the most attractive career for the young colonist to pursue. They used to ride together, discussing a wide range of topics. As Mr. Williams observes, in his interesting, if somewhat eclectic, biography of Rhodes, which he dedicates to Merriman, " Rhodes must have gained greatly in general knowledge and in breadth of outlook from his association with the best read man and the best talker in South Africa." In a later passage, referring to the beginning of Rhodes's parliamentary career, and his early associates at the Cape, the writer observes that " there too he found his old friend Merriman, sparkling with wit, and

ever ready with the pungent phrase that clung to his victims for life ; full of strange lore, culled from every source, ancient or modern . . . and always bubbling over with enthusiasm for some great cause or principle."

They were afterwards closely associated in Parliament, where they were colleagues in two administrations. When Rhodes's Ministry of 1890 was broken up on personal grounds there came a severance which, after the Raid, developed into sharp antagonism ; but Rhodes, till his last days, retained a good deal of admiration, not without a kindly feeling, for Merriman. After they had fallen out in Cabinet, Rhodes wrote a line to suggest that they might still, from time to time, enjoy a morning ride together.

When Merriman's attacks on Rhodes were being denounced, as often happened, by his partisans, he reminded them that Merriman was a hard worker, with a big brain, who sorely missed his official work ; on one such occasion he said that, if he learned of a young man, who wanted a bear-leader on a long tour, he should strongly recommend him to endeavour to secure the company of Merriman. For his part, Merriman always felt that, however sadly misconceived some of his actions, there were great elements in Rhodes. When he attended his funeral, he remarked that in all that great crowd, with the exception of his brothers, he was probably his oldest friend.

Of the effect of the Canadian movement on the ethos of other possessions of the Crown beyond the seas, of the stimulus which it afforded to the movement for self-government, and the centripetal tendencies which it stimulated in various quarters, more must be said later on. For the nonce it may be sufficient to observe that it strengthened the demand for responsible government at the Cape. Its supporters had now a clear majority in the Assembly. The new Governor, Sir Henry Barkly, influenced by his experience elsewhere, was, unlike his predecessor, in favour of the change, and a similar attitude was adopted by the Colonial Office. A Bill was accordingly introduced effecting the

object in view by abolishing the parliamentary disqualification which had hitherto attached to membership of the Executive Council. Notwithstanding the stout resistance of Merriman and others, the Bill was carried without difficulty in the House of Assembly; in the Legislative Council opinion was nearly equally divided, and it was only after much manœuvring that the measure was passed by a single vote.

The Governor at once set about the constitution of his new Ministry. Among the principal supporters of the change was Mr. Porter, who had made a great reputation as Attorney-General, but had then retired from public life, and Mr. Saul Solomon, a newspaper proprietor at Cape Town, a man with a great mind in a shrunken frame. They both, however, on this occasion, decided to hold aloof; and the choice of the Governor then fell on Molteno, a large landowner and practical farmer in the Karoo, who was also in touch with the commercial interests of the ports. The field of selection was limited; and probably no more suitable person could have been invited to form a Ministry.

It would be flattery to describe Molteno as an eminent statesman. It has been said that those who make no mistakes make little else; and Molteno's mistakes were few. He was, however, a good man of business, and he succeeded in carrying on the work of the Government for several years. He will be remembered for his vigorous resistance to the crude scheme of federation launched by Lord Carnarvon and, when Sir Bartle Frere was sent out as Governor and High Commissioner to promote the policy of the Colonial Secretary, for his opposition to the Governor's encroachment on the administrative functions of the first Ministry under responsible Government.

Merriman was at first active in opposition to the new Ministry and proved rather a thorn in Molteno's side. At this time he was in close touch with Paterson, an experienced politician at Port Elizabeth, who still advocated a separation of the Eastern and Western Provinces, and was watching

events with a view to the formation of an organized opposition. Among his principal adherents he included Merriman and Sprigg. Sprigg, who came from East London, had, unlike Merriman, supported responsible government, but had opposed Molteno on various current topics, not of sufficient permanent interest for discussion here. His standpoint was that of the border farmers who demanded a " vigorous " native policy.

The Government had been weakened, not long after its formation, by the acceptance by the Attorney-General, De Villiers, of the vacant post of Chief Justice. Another vacancy occurred when Abercrombie Smith, the Commissioner of Crown Lands, accepted the permanent office of Auditor-General. Smith had opposed responsible government as premature, but, in the words of the Governor, had sought to make the best of it as an accomplished fact ; Merriman's position was much the same. Molteno now felt it necessary to strengthen his Ministry and sounded both Merriman and Sprigg. Sprigg declined, in circumstances which remained somewhat obscure ; but Merriman agreed to take the post of Commissioner when vacated by Smith. Paterson, naturally, was indignant with Molteno for the " seduction " of his lieutenants, and with Merriman for accepting his offer.

Merriman, of course, laid himself open to the charge of inconsistency. Attacks on such grounds, stereotyped in their banality, supply the favourite aliment of public controversy ; but Merriman can scarcely have been pleased with the contents of his letter-bag at this season. They included, besides the remonstrances of Paterson, rather a patronizing reply to a note he had occasion to send to Sprigg. " I am afraid," Sprigg warned him in the course of his reply, " you have made a mistake so far as regards your own position in the eyes of the public, but every man must be the judge of his own interest in these things. I hope you will be able to render the country some service and that responsibility may tone you down a bit." Merriman might have replied with

Molière (or was it Dumas?—they were both "second storey" men), *je prends mon bonheur où je le trouve.* At this time there were no serious questions, of principle or policy, to separate him from Molteno, and the result was that in July 1875, in his sixth year in Parliament, he found himself a Minister of the Crown.

Before this he had given up his venture on the diamond fields, and become the partner of one Walker, then carrying on the business of a wine merchant at Cape Town. Walker died shortly afterwards, leaving Merriman in charge. It has already been intimated that he was not a good surveyor ; it must, I fear, be added that, at this period of his career, he does not seem to have achieved much success as a vendor of wines and spirits. He had no great opinion of the judgment of his customers. In one of his letters to his London agents he writes : "You will, of course, know as well as I do that the Cape public is not a very discerning one and would drink the veriest filth if it had a swell label on it." The agent perhaps presumed on this rather dangerous intimation. At all events in a subsequent letter we find the query : "By the way, what was that wine marked . . . you sent us ? We are all very curious to know. It has killed half the Club." From the correspondence it appears that he had not sufficient capital at his disposal to make the business—to which he added various "side-lines"—a commercial success ; and when he accepted office he was glad to be able to dispose of it as a going concern, and give an affirmative answer to an inquiry from his mother whether he had given up his "winkel."

Meanwhile another event in his life of the first importance had occurred ; he had taken to himself a wife. He had made the acquaintance of the family of Mr. Vintcent, of the firm of Prince, Vintcent & Co., who had a large business as feather buyers and general merchants, at Oudtshoorn and Mossel Bay. Vintcent, a man of Dutch birth—both he and his wife came from Holland—was also a man of some standing in public life, and when Molteno formed his Ministry had been

offered the position of Treasurer. Merriman became attached to his daughter Agnes and found that his affection was returned. He proposed to her in 1872. Her father, however, thought her much too young—she was then barely eighteen—and forbade any engagement, or even correspondence, till she had paid a visit to England and had had more opportunity of making up her own mind. This was in 1873; Merriman also took a trip to England and the Netherlands in the same year. The embargo on correspondence was removed and the engagement sanctioned before they returned to the Cape. Mr. Vintcent may well have had his doubts as to its prudence. Merriman had shown some promise as a rising politician; but neither as a surveyor of land nor as a dealer in diamonds, nor as a vendor of foreign wines with "swell labels," does he seem to have then acquired sufficient substance for the support of a wife. Her father made it a condition that the marriage should not take place till his daughter had reached the full age of twenty. Shortly before she did so, the father died and they were married, with the consent of his widow, in September 1874.

Among Merriman's correspondence at that date we find a letter from Mr. Paterson, who writes from Port Elizabeth: "Let me most sincerely congratulate you on your marriage. I hear you have gone off not only with the prettiest but also with the sweetest of all the Cape young ladies. I remember seeing her some years ago and she was then very pretty, and, knowing well as I did her dear father, I have no doubt she is very good." Her brother, it may perhaps be mentioned, like his father a good man of business, was afterwards to prove one of Merriman's most useful supporters in the House, where he sat continuously for twenty years—from 1874, the year of his sister's marriage, till 1894.

The marriage was not blessed with issue, and Mrs. Merriman's health sometimes left much to be desired, but the union in all respects appears to have been a very happy one. In his wife he found a charming companion and one well able to assist him, on the social side, in the elevated position

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to which he rose. He had the greatest confidence in her tact and judgment and always consulted her on any matter of importance. Her devotion to him was extraordinary. Her feeling and care for him might indeed be compared with that displayed by Mrs. Gladstone for her husband. When he was away from home those about him constantly received letters from her suggesting that he might do this or, more frequently, that he should not attempt that.

For nearly fifty years they climbed the hill together. When she was taken from him, by an attack of heart failure, at their pleasant home at Schoongezicht, he was himself far from well, and the sudden blow seems to have produced some sort of stroke from which he never really recovered. He was then in his eighty-third year ; in a few more months they would have celebrated their golden wedding. Her death, occurring as and when it did, probably saved her much distress. She had long felt much anxiety about her husband's failing health and waning powers, and had quite made up her mind to veto his standing again for Parliament. Some time before this she had made a suggestion that he should give up his seat in the House and accept a nomination for the Senate. When he lost the devoted companion of a lifetime, Merriman can scarcely have regretted that the solitary path which he had thenceforth to tread was unlikely to be prolonged.

CHAPTER III

THE MOLTENO MINISTRY: LORD CARNARVON AND SIR BARTLE FRERE

Political situation in 1875—Lord Carnarvon as Colonial Secretary—The Policy of Federation—Froude's mission—Dispute with Merriman—A scene at Uitenhage—Permissive Bill—Sir Bartle Frere as Governor—His controversy with Molteno and Merriman as to conduct of operations in border war—Dismisses his ministers and invites Sprigg to form a Government—Constitutional aspects of the question.

MERRIMAN's accession to the office of Commissioner, where he found his work thoroughly congenial, had been preceded in England by the triumph of Disraeli, who, after the dissolution of 1874, had before him some years of power, with a solid majority in the House. The Colonial Secretary, Lord Carnarvon, a man of moderate abilities with excellent intentions, may perhaps be described as a Peelite born out of due time. He had been greatly impressed by the fact that, notwithstanding difficulties of race, language and religion, the centripetal tendency in Canada had produced, during his former tenure of the same office, the enactment of 1867. Why, he argued, should not a similar movement be stimulated in South Africa?

In Canada, however, that tendency was largely attributable to the spectacle of the internecine struggle of the earlier sixties against secession and disruption in the United States. The atmosphere at the Cape was very different, and local circumstances were less favourable to such a movement than when, some years previously, Sir George Grey as Governor had advocated its adoption. The initiative had then been taken by the Free State and the Home Government had apparently been favourable in principle; but Sir George had acted prematurely in setting forth his views, not only in a masterly

dispatch to the Colonial Office, but in the speech which he delivered on the opening of Parliament in 1859, without obtaining any preliminary assurance of Downing Street approval. That speech had led to his recall ; but Carnarvon now took up the question with more energy than discretion.

It would involve a repetition of the theme of many previous narratives to explain the circumstances which led him to conclude that some sort of nexus between the British Colonies and the Boers of the Republics, with a special view to a systematic native policy, had now become essential to the welfare of South Africa. The discovery of the Diamond Fields, and the resulting disputes with the neighbouring republics as to the boundaries of the territory acquired from Waterboer, had increased the need of some solution being found.

The policy unfortunately pursued in Griqualand West, where native labour had been attracted to the mines by allowing the purchase of guns and ammunition, may be said to have been the *causa sine qua non* of the rebellion of Langalibalele in Natal, with all the ensuing complications as to his detention, while it had increased the friction with the Free State. It was in these circumstances that Carnarvon commissioned Froude to make a tour of the country and report to him the result of his observations. After considering this report, he embodied his views in a dispatch and sent Froude back to represent the Home Government at a Conference to be held at Cape Town.

At this Conference, which was to be merely deliberative, he also thought fit to nominate the representatives of the Cape Colony, Natal and Griqualand West ; Molteno was to represent the Western Province of the Cape, and Paterson the Eastern area. Molteno naturally objected to this proposal, not only as attempting to set off the East against the West, but also as an unconstitutional infringement of the initiative which should have been left to the Ministry of a self-governing Colony. The minute on the subject submitted by the Government was supported by a substantial majority in the Assembly.

Froude, however, obtained a good deal of support both in the Senate and at meetings held in various centres. At Uitenhage, near Port Elizabeth, he was entertained by the Mayor at a banquet at which Merriman, accompanied by his young wife, was also an invited guest. In all the circumstances, the Mayor, however excellent his intentions, would certainly have displayed more discretion had he invited the visitors to separate entertainments. A number of the guests came from Port Elizabeth, not far from Uitenhage, where Froude's programme, involving a separation of the two Provinces, had secured much support. Froude, in fact, while making his tour, had advocated a policy which, as he was well aware, was strongly opposed by the Ministry of the Colony. On this occasion, he made a speech of the same tenor, to which Merriman could scarcely avoid replying and protesting against any extraneous interference with the affairs of a self-governing Colony.

His speech led to a disturbance in which the gentlemen from the Bay took an active part. Merriman was pelted with rolls, there was much disorder, and Mrs. Merriman had to beat a retreat under the side of the tent. Altogether, it was a distressing scene. Froude complained to the Governor of Merriman's having referred to the Imperial Government as a "foreign power." Sir H. Barkly communicated with Molteno, observing that he had found no such expression in any report of the speech which he had seen. Molteno forwarded the letter to Merriman, who emphatically denied the use of any such phrase ; what he did say was that agitation by an imperial agent was very embarrassing to the Government. He could scarcely have said less.

Froude, in fact, after a visit to Natal, had practically appealed to the Cape electorate against the Cabinet, and Ministers found it necessary to convoke a special Session of Parliament. Meanwhile Froude had left and another dispatch arrived, cancelling the earlier proposals and issuing invitations for a Conference in London, which was held in 1876. In the following year Carnarvon pushed through

Parliament a permissive Federation Bill, which remained a dead letter. It provided for a central and local ministrie and legislatures, following in the main the lines of the Canadian Act, but including special reservations as to native policy. The Molteno Ministry, in a Minute to the Governor, demurred to the Bill as being too elaborate for a mere enabling Act and too vague for a precise constitution.

It is significant that Merriman, even at this early period, indicated a preference for a unitary constitution. His correspondence with Goldwin Smith at Toronto had confirmed his impression that, still more in South Africa than in Canada, the resources available, both in cash and in capacity, would be insufficient for the equipment of so many Legislatures, or to furnish a supply of ministers and members of sufficient calibre for the federal system. In this view Chief Justice De Villiers, who always had a frugal mind, seems to have concurred. There was, however, a more fundamental difficulty. They both regarded such a constitution as implying a sort of hegemony on the part of the Cape ; while the other necessary parties—the Colony of Natal, the Eastern Province, the Province of Griqualand West, and the Boer Republics—would certainly oppose any scheme involving the centralization of executive and legislative powers at the " shank end " of South Africa. Much water had to flow under Westminster Bridge before, in another generation, the economic situation constrained the fusion between the British Colonies and the former Republics to which shape and form were given by the Act of 1909.

Merriman doubtless found his work as Commissioner more to his taste than plotting beacons or peddling diamonds, or selling curious vintages under flamboyant labels ; but a reference to his diaries shows that a seat in the Cabinet was by no means a bed of roses. On one occasion he writes : " Papers seem to agree as to my talent as they are pleased to call it ; if they were to look behind the scenes they would perhaps change their tune—everything seems to move slowly

and lack verve. Time wasted in chattering in what are facetiously called Cabinet Councils which resemble a coterie of old women over a tea-table."

Apart from domestic matters the principal preoccupation of Ministers arose from repeated dispatches from Lord Carnarvon on the question of Federation. To such documents Merriman, as the "brain-carrier" of the Ministry, was asked to draft replies, which were usually adopted after much wrangling over details. His colleagues seem indeed to have been a weak lot. A new Attorney-General had succeeded, but not replaced, De Villiers.

The Secretary for Native Affairs, though a man of prolonged experience, was wedded to routine, and seemed unable to rise to an emergency demanding prompt and resolute action. Of him Merriman observes, perhaps not quite fairly; "'*Magni nominis umbra*,' but nothing more, he seems to have no grasp of the situation and no policy for the future. The strictures on our inaction in the press are well deserved and go home to me at any rate. There is a sad want of vigour in this department." Serious disturbances arose on the border, leading up to war and rebellion in the Transkei, which had recently been annexed to the Colony, and the adjacent area of Kaffraria. The military situation caused much friction between the Governor and his Ministry, culminating in the dismissal of the Molteno Cabinet.

Before this event Sir Bartle Frere had succeeded Sir Henry Barkly as Governor and High Commissioner. It may perhaps be doubted whether, even in less disturbed times, the qualities by which Sir Bartle had acquired, in a different ambit, a high reputation were precisely those most requisite in the Governor of a Colony which had just acquired the right to manage its own affairs and was very sensitive on the subject of "imperial" intervention. A constitutional Governor, under responsible Government, while until quite recently he represented the policy of the Home Government, should have no policy of his own. The situation was, of course, much complicated by the grave problems with which

he was confronted as High Commissioner—for some of which, as for instance the results of Shepstone's action at Pretoria, he was not personally responsible. Frere had, in fact, been sent out to promote Lord Carnarvon's policy of federation, to which the Secretary of State had regarded the annexation of the Transvaal as a useful, if not indispensable, preliminary. The tragic consequences which ensued from his mishandling of the Zulu question—from Isandhlwana to Ulundi, and from Ulundi to Majuba—do not fall within the scope of the present narrative. They had, of course, their repercussion at the Cape ; but before then, as already mentioned, there had been in the old Colony a change of Government. This arose out of another phase of the native question, which, since the introduction of responsible government, had been a constant source of friction and anxiety.

The position with regard to the natives, when Merriman joined the Ministry, was such that a brief retrospective glance may here be useful. During the Governorship of Sir P. Wodehouse, in 1862, the Home Government, anxious to diminish the burden of colonial expenditure, had instructed him to arrange for the annexation of British Kaffraria by the Cape, a process desired by neither party, but effected by an enabling Act of the British Parliament, and reluctantly adopted by the Cape Legislature in 1865. At the same time portions of the Transkei were occupied by some of the redundant population of Kaffraria and subjected to the supervision of magistrates from the Cape. Later on, the tribes of Basutoland, who had been in danger of subjugation by the Free State, had been placed under British sovereignty by Sir P. Wodehouse as High Commissioner ; in 1871 they were annexed to the Cape, and governed by regulations framed under the Act of that year.

When, in 1883, Lord Derby, as Colonial Secretary, communicated to Merriman, then in London, the terms of a draft dispatch on the situation in Basutoland, then about to be transmitted to the Governor, in which it was stated that the Cape Parliament had annexed Basutoland " under no

pressure from the Imperial Government," Merriman made the obvious rejoinder that the Bill was introduced and carried, before responsible government, by an executive entirely responsible to the government at home. The Basutos since then had thriven under the new regime, but their chiefs had shown an insubordinate disposition, culminating, after the change of Government at the Cape, in the rebellion of Moirosi in 1879. Before this occurred there had been serious trouble in the border districts. The Fingoes had been attacked by the Gcalekas, under Kreli, while the Gaikas, under Sandili, had also taken a hand in the fray.

Merriman, in charge of the Department of Defence, had taken up his quarters at King William's Town and the Governor also had repaired to the frontier town, where he was in constant touch with Merriman—and also with Brownlee, the Minister for Native Affairs, whose views sometimes differed from those of Merriman—during the next three months. Questions arose as to whether the rising could be suppressed by the colonial police and volunteers under Colonel Griffith, with the help of native levies, or whether operations might not be more efficiently conducted in combination with the military forces—infantry, artillery and a naval brigade—which happened to be available.[1]

Speaking broadly, Molteno was in favour of the former, Frere of the latter course, and Merriman was in agreement with his chief. Thus in October 1877 we find Frere at King William's Town discussing the situation in a long unofficial letter to Merriman, very cordial in tone, in which he complains of the instructions sent by Molteno from Cape Town as based on insufficient knowledge of the situation and calculated to embarrass " those on the spot." The military, it seems, had been restricted to the maintenance of communications with the port of East London.

Frere argued strongly in favour of closer co-operation by the colonial forces with the military under the General

[1] There had been a similar controversy in the " War of the Axe " thirty years before ; *see* Walker, 236.

Officer in command who, as he observed, held a dormant commission as Acting Governor and High Commissioner ; this, he argued, made it the more important that " all the threads of this most pressing and important work should be familiar to him." He also argues that it would be a false economy to attempt to conquer Kreli with a miscellaneous collection of burghers, volunteers and native mercenaries. " The disorderly natives and marauding bands," he adds, " will ' eat up ' the country and are not likely to confine themselves to plunder. They will certainly commit atrocities after their wont and bring discredit on the colonial system of native management." He concluded with the hope that Molteno " while we stay here will trust to our doing all that can be done and confine himself to sending what are asked for ; for it is impossible, at such a distance as he is, to master the conditions which it takes all the energies of those on the spot to comprehend ; and nothing is more embarrassing than hasty and impulsive suggestions by men in high place to those in the field."

In December, the Governor sent his Ministers two long Minutes (6th and 28th December) expressing his views as to the whole situation, and concluding : " I cannot speak too highly of the ability and energy shown by the Honble. Mr. Merriman for months past whilst he has been discharging the usual functions of a Minister of War and Police on this frontier, but I should be untrue to the interests of the Colony if I did not state to the Ministers my conviction that the duties he has lately been discharging must continue to require the undivided attention of a separate Minister, and that they cannot be safely left combined with the other duties which in ordinary times require the full attention of the present Cabinet Ministers and the officials of their Departments."

Correspondence on these lines continued till the beginning of 1878, and little progress seems to have been made in the field of action. On January 6th the Governor writes to Merriman : " Only a line to say I never for a moment intended to imply that you were responsible for inaction. I

am quite sure you do all that man can do under the circumstances. But it is the unaccountable apathy and inaction at Cape Town I cannot understand." Shortly afterwards Molteno himself arrived at headquarters. Correspondence continued on a friendly footing, but friction on various points was obviously increasing. On the 15th the Governor writes :

Up to Friday we were doing our best, according to the lines of the Constitution—I as Governor and Commdr.-in-Chief and H. Commr., you as Minister of the War Department and Police—to make the best use of the miserably insufficient means at our disposal for the suppression of this rebellion. Since Friday my position has in no wise, as far as any action of mine is concerned, been altered ; but you and Brownlee have kept aloof, have withdrawn such information and assistance as you used to afford me, and treat the Governor C.-in-C. and H. Commr. and all the forces and Departs. which take their orders through him, if not as rivals, as inconvenient superfluities, whose absence would improve your prospects in suppressing this rebellion. This is the " new position " you have taken up and to which I referred. I have no right—nor wish—to complain of your using the Colonial forces, which acknowledge no authority but their own will, in any way you think the Colony will approve. It is quite possible the practical effacement from active operations of 2,000 of your best disciplined and most steadfast Troops, may not materially retard the result we hope for, because, though denied the aid in mounted men and Fingoes, which is necessary to mobilize them, they hold the most important fixed positions which enable the Volunteers to act freely. Whether we shall be able to justify to the Colony or to our own conscience, the greatly increased cost and bloodshed and risk of failure, consequent on the deliberate neglect or misuse of the means at our disposal, is another question. Such is briefly my idea of the " new position."

The situation at this time is fairly summed up in the biography of Hofmeyr. " To a man of Mr. Molteno's stamp," the writer observes, " the dilatory methods of the Imperial troops, and the routine inseparable from their management, were eminently distasteful. Nor, with his own masterful spirit, could he brook the interference of Sir Bartle Frere, himself equally masterful, while Mr. Merriman, who

acted as his Minister for War, was a man whose originality and independence made him hardly the one to heal the wounds ; on the contrary, his continual differences with the military authorities accentuated the gravity of the situation." Ministers, in short, held tenaciously to the view that, in a self-governing Colony, the best method of suppressing such a rising was a matter on which they were entitled to exercise their own judgment without any interference from the Governor ; the latter regarded the matter as falling within the field of native policy, for which he was responsible, not only as Governor and Commander-in-Chief, but also as High Commissioner.

The difference between the Governor and his advisers soon became acute. After the exchange of various memoranda Molteno, who had now joined Merriman at King William's Town, intimated, on January 22nd, that it was proposed that for the present, subject of course to any alterations Parliament might determine upon, " Mr. Griffiths, as Commandant-General, shall take command of all Colonial Forces, Police, Burghers, and Volunteers, and be under the sole control and direction of the Colonial Government." " Governor," he added, " has no special powers over Colonial Forces as Commander-in-Chief, but as Governor of the Colony acts in exactly the same manner with regard to Colonial Forces as he does with regard to any other colonial matter."

Sir Bartle replied at great length, expressing regret that he could not concur in these proposals. He observed that " there is no Minister of War or Police, the duties of these important departments being discharged by the Colonial Secretary, but in no case, as far as I am aware, either before or since the introduction of responsible government, have the large ministerial duties combined in that important office, been considered to include either the personal command of troops in the field or the independent power to direct military operations without reference to or control by either the Commander-in-Chief or the General Officer commanding in the field. . . . It appears to me clear that the intention of the

Constitution was that there should be one person—the Governor and Commander-in-Chief—in chief command of all military forces of every kind, Colonial as well as Imperial, performing all executive duties through a Commander of the Forces, whose commission gives him power to command Her Majesty's Troops, and who may be empowered by the Governor and Commander-in-Chief to command Colonial Forces, formally declared to be in the field of his military operations. As a matter of fact," he continued, " the executive control of all operations connected with the Colonial Forces appears for the last ten days to have rested entirely with the Commissioner of Crown Lands and Public Works, and, so far as I understand, is so to continue. I have never failed to do justice to the Minister who now so ably fills that office ; but this arrangement is entirely unknown to Parliament and to the Constitution, and I cannot feel at all sure that it will be approved by Parliament."

The memorandum concludes with a recapitulation of the Governor's conclusions :

(1) That the command of all forces in the field legally and by the Constitution rests with the General Officer commanding Her Majesty's Forces when empowered by the Governor as Commander-in-Chief to assume command of Colonial Forces so employed.

(2) That the appointment of a Commandant-General to command Colonial Forces in the field independent of the General Officer commanding Her Majesty's Forces empowered as above by the Governor and Commander-in-Chief is at present illegal and unconstitutional.

(3) That his acts . . . will not be covered by any Act of Indemnity.

(4) That the only legal and constitutional course . . . is for the Commandant-General to act in the field under the general control of the General Commanding the forces, and that all Colonial Forces ready to take the field should . . . be formally placed by the Colonial Government under the General's command for this purpose.

This memorandum, which occupies four pages of the Blue Book, was followed by a short Minute, in which the Governor referred to the military situation, adding that " I shall be glad to know whether Ministers do not agree with me that it is high time that the field, in which the operations are going on, were included in the area of military operations under the Officer Commanding in these Provinces." A letter from the Officer Commanding (General Sir Arthur Cunynghame), addressed to the Governor on January 30th, indicates his concurrence with the view expressed in these Minutes. All these eminent men—the Governor, the General, the Prime Minister and the Commissioner—were at this time in King William's Town, where they occupied quarters in the barracks, but their communications seem to have been mainly by correspondence.

The crisis now came rapidly to a head. On January 31st the Governor addressed another long Minute to Ministers, in which he referred to " the indubitable fact that these large military operations are being carried on in avowed disregard of the opinion of the Governor and the Commander of the Forces. I have," he adds, " repeatedly informed Ministers that I could not sanction such proceedings, and that they appeared to me utterly illegal and unjustifiable. But I find them persevered in with a complete disregard of my warnings, opinions and authority, under the sanction and by the orders of the Commissioner of Crown Lands and Public Works. I have the highest opinion of Mr. Merriman's ability and energy, but his Department has nothing to do with War or even Police. . . . No one can, in my opinion, be justified in recognizing his authority to deal with questions of war or military affairs, except as the delegate of the Colonial Secretary ; hence all who obey him in his present assumed position of independent authority seem to act illegally and to render themselves liable to very serious penalties. . . . It is absolutely necessary that one authority should command all Military Forces in these Eastern Districts and the Transkei ; and I have no doubt in whose hands that authority is vested

by law and invariable usage. . . . The position lately assumed by the Commissioner compels me to request Ministers definitely to state whether they intend the Governor and Commander-in-Chief or the Commissioner of Crown Lands to exercise command over the military forces raised in the Colony and now engaged in military operations on a large scale in the Colony and its neighbourhood."

The issue between the Governor and his advisers now appeared to be clearly defined and His Excellency proceeded forthwith to summon a meeting of the Executive Council for the following day. It was attended by the three Ministers then in residence—Molteno, Merriman and Brownlee. Molteno desired to place on record that this was the first instance since the introduction of responsible government of the Governor summoning a meeting of Executive Council without previously intimating his desire to do so to the Prime Minister or without any request by the latter or, during his absence from the Colony, of the Minister acting on his behalf. The meeting was adjourned till the following day, when Ministers handed in a Minute, in the course of which they say:

His Excellency has raised the question of the position occupied and powers exercised by the Commissioner of Crown Lands and Public Works, and has expressed a doubt whether his acts come within the limits of his constitutional functions. By the Constitution, the responsibility of Ministers was established, and their duties are to carry out the laws of the Colony, and to administer the business of the country according to the wishes of Parliament. The Governor acts solely by and with their advice. . . . Nothing can be clearer than that this responsibility of Ministers is collective, and that the acts of any one Minister are the acts of the whole Cabinet. The duties and functions of any individual Minister are not prescribed by authority, but may be modified or changed at the will of the head of the Ministry, who will have to answer to Parliament for the proper exercise of the powers entrusted to him. In the present instance, the duties now being discharged by the Commissioner were not assumed by that Minister, but were assigned to him by the Colonial Secretary with the concurrence of his colleagues. The Colonial Secretary . . . has intimated the opinion of Ministers that it is not desirable that the conduct of the

operations undertaken by the Colonial Forces should be entrusted to General Cunynghame, and from this decision on their part Ministers see no reason for departing. If the arrangements proposed by Ministers for the disposition and employment of the Imperial Forces are, in the opinion of His Excellency, unsuitable and embarrassing, they can only express their regret to find that His Excellency deems those difficulties insurmountable. They desire, in that case, while expressing their thanks for the services already rendered by Her Majesty's Troops, to suggest that the Imperial Forces be withdrawn to the positions occupied by them before the outbreak, leaving the suppression of the rebellion and the occupation of Gcalekaland to the Colonial Government, on whom the main responsibility of defence must rest, and who are prepared to undertake it.

This Minute was read at the adjourned meeting of the Council, held on the same day and attended by General Cunynghame as well as the three Ministers already mentioned. The Governor then intimated that, as Ministers persisted in views which he regarded as contrary both to law and usage, he would be compelled to seek other advisers. In a final Minute, dated February 6th, he replied at some length to that submitted by Ministers at the last Council. After referring to the military situation, and the previous co-operation of the Imperial and Colonial Forces, he reverted to the substantial point in dispute as to the status and functions of the Commissioner, who, he stated, was appointed by the Crown under the Act of 1872 and was "charged with such duties as Her Majesty shall from time to time assign to him."

"I am not aware," he continued, "that Her Majesty, or the Governor representing her, has ever charged the Commissioner of Public Works with the duties he is now assuming as Minister of War irresponsible to the Governor, and as a General directing forces in the field uncontrolled by and irresponsible to any military authority. . . . Parliament cannot at the moment be consulted ; but I do not believe that Parliament, having provided that the Commissioner shall perform certain duties to be assigned to him by the Governor, as representative of Her Majesty, can ever approve of the Commissioner's assumption of duties as a military dictator, responsible to neither Governor or Commander-in-Chief, nor any one else who is legally vested with any military

powers. . . . His duties, as indicated by the title of his office, are definite, and have nothing whatever to do with military affairs."

This Minute covers nearly three pages of the Blue Book, but the question at issue may be very briefly summarized. Was the Governor justified, in view of the military exigencies, in acting on his own view of the constitutional position, or should he not rather have stayed his hand till the opinion of the Legislature, which was to meet in the following month, could be ascertained ?

This question was of such gravity that it seemed advisable to summarize in some detail the tenor of the papers which were laid shortly after the meeting of Parliament. There are of course two aspects of the controversy, the first being whether the Governor was right in his view of the military exigencies, and of the steps taken by Ministers for the restoration of law and order ; the second whether, assuming him to have been right on this point, the dismissal of the Ministry can, in the special circumstances, be regarded as justifiable.

As to the military situation, it is obvious that there was much diversity of opinion. The Governor himself, in his Memorandum of January 26th, observes that " the work is so nearly done that a few days, or even weeks, of discord and disunion, of disjointed, unconnected action, may not much impede the final result. The enemy, Gaikas as well as Gcalekas, appear thoroughly crushed and dispirited, and apparently all that is needed is actively to hunt up the broken bands now scattered about the country, a service of police rather than military, for which the large reinforcements of volunteers and burghers which Mr. Molteno expects will, he assures me, be sufficient."

Such a situation seems to have afforded little ground for a constitutional crisis ; but it is only fair to the Governor to remark that Mr. Brownlee, the Minister for Native Affairs, who had had much experience in such matters, and whose capacity Merriman was inclined to underrate, was apparently disposed to share the views of the Governor rather than those of his colleagues in the Cabinet. After quitting office,

he accepted a permanent post and did much useful work on the Frontier in later years. On this topic the data now available are insufficient for a definite conclusion.

The question of more permanent importance is whether the dismissal by the Governor of his Ministers can be defended as constitutional, in the somewhat flexible sense in which English statesmen use the word. The matter has been much discussed. There was certainly no direct precedent in Colonies enjoying responsible government, or in English history since the life of Ministries had become dependent on their retaining the confidence of the Legislature. Something has been said about Melbourne's dismissal by the King in 1834. Gladstone, who then acquired his first office, more than once condemned this exercise of the prerogative as unreasonable and high-handed ; but, since the publication of the Melbourne papers, it has seemed probable that Melbourne acquiesced in, if he did not actually suggest the step, being under the impression that, without the help of Althorp, he would be unable to manage the House of Commons. In that case he was perhaps justified by the event, and, after the transient and embarrassed Ministry of Peel and Wellington, enjoyed a fresh spell of power.

There have been cases in Canada in which the Lieut.-Governor of a Province has sought new advisers. Mr. Goldwin Smith, in one of his earliest letters to Merriman, refers to the leading case of M. Letellière St. Just in Quebec ; there have since then been other cases, notably in the Province of British Columbia ; but such action by a Lieut.-Governor, supported perhaps by the Government at Ottawa, although sharply criticized, stands on a different footing from that of the Governor of a self-governing Colony, acting on his own responsibility. My own impression, when visiting the Dominion many years later, after a full discussion of the matter, not only with Laurier as Prime Minister and some of the provincial Premiers, but with such typical and experienced Lieut.-Governors as Sir Louis Jette at Quebec, Sir Mortimer Clark at Toronto, and Sir Daniel Macmillan at

Winnipeg, was that such officials, whatever their politics or antecedents, had seldom failed to discharge their duties with judicial impartiality and in a manner which inspired the confidence of all parties.

In the present controversy, the weakest point in the Governor's case was his denial of Merriman's capacity, as a member of the Cabinet, to act as Minister of Defence, or the right of the Ministry to appoint any one of their members to discharge such duties. It is remarkable that he failed to recognize the inadmissibility of his proposal to place colonial levies, without the consent of the Colonial Government, under the orders of the General in command of the Imperial Forces. In one passage in his final Minute he observes that " the Governor who could believe that the advice of Ministers was in accordance with the wishes of Parliament, or would ever be approved by the Parliament of this Colony, would be fitter for a lunatic asylum than the office I have the honour to hold." Such language, in a State Paper, rather suggests that the writer was scarcely, as the French would say, *dans son assiette*.

Fifty years ago there was much difference of opinion as to the functions and limitations of the Governor of a self-governing Colony such as the Cape, and the precedents were comparatively few. There was no doubt that he was at liberty to refuse his Ministry a dissolution if the Opposition were prepared to take office and carry on with the existing Parliament. The question, however, which now arose, was that of the Governor's right to dismiss, during the recess, a Ministry which, in the previous Session, enjoyed a working majority in the House. The opinion was then widely held that the Governor had much discretion in the selection of his advisers if they could secure a majority in the Legislature.

Professor Walker, in his *History*, observes succinctly that Sir Bartle " took a step legal but unique in the annals of responsible government." Todd, in his work on *Responsible Government*, after quoting the approving dispatch of the Secretary of State, thinks the case useful " in the light which it reflects upon the complicated relation of a Governor

towards his responsible advisers, and as indicating the proper steps which should be taken to uphold the authority of the Crown as constitutional head of all the armed forces in a British Colony." He apparently sees no objection to the Governor's claim to direct the operations of forces, raised and paid by the Colony, without the consent of his Ministry, and does not criticize the Governor's objection to the conduct of his advisers in assigning to one of their colleagues the work of a Minister of Defence. Todd's useful book, it may be mentioned, was published at Boston in 1880, when the precise limits of the prerogative of a Governor were somewhat ill-defined ; and Frere's proceedings were doubtless somewhat fortified, in the case of a native war partially waged beyond the limits of the Colony, by his tenure of the post of High Commissioner.

The whole controversy is discussed very fairly by Dr. Berriedale Keith in his standard work on *Responsible Government in the Dominions*. He observes that :

" It would be impossible to defend many of the views expressed by Sir Bartle Frere. He could claim by law and by constitutional practice no power whatever over the local forces except what was given to him by law, and the fact that the existing Acts passed before the grant of responsible government gave powers of control to the Governor was quite irrelevant. After the grant of responsible government these powers, like every other power, required to be exercised on the principles of ministerial responsibility. The Governor had therefore no inherent right to place the local forces under the control of the Imperial forces, and no exception can be taken to the constitutional position occupied by Mr. Merriman. . . . Sir B. Frere was at least very headstrong, and quite ignorant of constitutional law. . . . On the other hand, it must fairly be said for Sir Bartle that his position was a difficult one, for as High Commissioner he had a general responsibility for relations with native tribes in South Africa, which he could not share with his Ministers, however gladly he might welcome their advice. . . . But it must at once be said that Sir Bartle Frere, both in this and other matters, was clearly too much inclined to make free use of the Imperial troops independently of the wishes of his Ministers ; on this point he was repeatedly told by the Imperial Government that the Imperial forces were in the Cape merely for the purpose

of defending an Imperial trade route, and that it was not intended that the Cape should be defended either from internal risings or from the attacks of external tribes by the Imperial forces." [1]

Frere's action was approved by the Colonial Secretary, who had no liking for Molteno or Merriman, mainly on the ground of his special responsibility, as High Commissioner, in matters of native policy ; but, when it was challenged in Parliament—at this time Sir Michael Hicks-Beach had succeeded Lord Carnarvon as Colonial Secretary—the Government seem to have admitted that it was irregular and could not be supported by precedent.

At the last Council the Governor intimated that the Ministers would have to continue in office till their successors were appointed and that, should he be unable to find Ministers prepared to accept office till Parliament met, they would be entitled meanwhile to pursue such policy as they might think expedient. This dilemma, however, did not arise. The Governor invited Mr. J. G. Sprigg, the member for East London, to form a Ministry, and Sprigg accepted the commission. He had been farming on the border, he was conversant with the local situation, and had supported the Governor's view of the campaign. Before coming to the Cape he had been a journalist and had had some experience as a parliamentary reporter. He now became Premier and, when Parliament met, proved a competent manager of the business of the House. He was much helped by the co-operation of Upington, a brilliant advocate from Cork, who had had some official experience in Ireland. Upington became Attorney-General ; he was an eloquent speaker with an admirable parliamentary manner and his talents were largely complementary to those of Sprigg.

[1] Vol. iii. 1260-1. It should perhaps be mentioned that this citation is taken from the second edition of Mr. Keith's work, published in 1912. Since then, a new edition (1928) has been published, covering fifteen more years and reduced to two volumes. Much of the matter contained in the earlier edition has therefore been unavoidably omitted, including the above passage, and the concise reference to this incident in the latest edition is perhaps somewhat more favourable to the Governor.

CHAPTER IV

IN OPPOSITION

Merriman in Opposition—Correspondence with parents—Moves Vote of Censure, which is defeated—Hostile press—Merriman's work in Parliament—His zeal for economy—Correspondence on Federation and other topics with Goldwin Smith—War with Basutos—Sprigg's policy of disarmament—Merriman in touch with Rhodes—Situation in the Transvaal—Majuba and afterwards—Resignation of the Sprigg Ministry.

WHATEVER opinion may be entertained as to the substance of his action, the method by which the Governor parted company with his Ministers was abrupt and harsh. Their relations seem to have been friendly and even cordial till the end of 1877; the dispute arose in the latter portion of the following month. The intimation of their dismissal was made at the Council of February 2nd. On the 6th of February—the date of the final Minute—Merriman, on going to his office, received the following missive, signed by Sir Bartle: "I have the honour to inform you that, by the authority vested in me as Governor of this Colony, I remove you from your office of Commissioner of Crown Lands and Public Works, and that from the receipt of this letter you cease to hold that office." The letter, it was added, would be delivered by the local Civil Commissioner, who would receive charge of all official documents and give his receipt for the same. Such a missive might have been sent to a servant whose misconduct had been so grave as to warrant his dismissal without notice. A similar communication was sent to Molteno, who was denied access to his papers in the Colonial Office.

Merriman took his eviction very hardly. He had enjoyed his official work, but had not found the atmosphere of Parliament—where little men seemed to be pursuing little aims—altogether to his taste. At this time his career in South

Africa had scarcely taken root ; and he seems to have felt a certain nausea for that " squalor of Cape politics " for which Froude sought an antidote in " a bath of Pindar " on the high seas. His sentiments, which were fully shared by Mrs. Merriman—as appears from a letter she wrote to Mrs. Merriman, Senior—are fully set forth in letters, written in February and March to his parents, then in England. They were, of course, highly confidential documents, and contain some vituperative references to the conduct of the Governor, his motives and alleged misrepresentations, which there could be no advantage in repeating here and now.

In the course of the first letter, dated 19th February, he writes :

" . . . The Governor in the exercise of his very arbitrary prerogative has thought fit to dismiss his ministers. It is impossible to give you a full account of the whole transaction without the minutes which are withheld from publication. In a few words, since the beginning of the year we had managed to get together a very strong force of colonists, who were quietly but effectually putting an end to the war. The Military meanwhile were going on the good old fashion with a huge expenditure, pompous dispatches and an utter state of inefficiency. Our forces were commanded by our men and were directed by me. It is not for me even to you to speak of the results, but the published documents shew that they were a complete series of successes. The Gaika location was cleared and the Tambookies crushed without a shot being fired by the soldiers.

" The Governor, who is very much under the influence of the military, sent a memorandum to Mr. Molteno questioning our legal right to do certain things and claiming for the General the right as Commander-in-Chief to command colonial troops and to direct operations. Mr. Molteno, deeming the tone of this memorandum most arbitrary, tendered his resignation, which was ' effusively ' refused by the Governor, who disclaimed any idea of considering his memorandum as a formal communication, stating that it was merely to open discussion and requesting that it might be submitted to the Attorney-General for his legal opinion. This was at once done and the A.-G. was requested to telegraph his opinion.

" Before that could be received, the Governor sent down a

formal minute enclosing a most impudent letter from the General, reiterating his claim to command all forces and objecting to my action as being beyond my province. To this we replied in a minute in which we pointed out that we were prepared to undertake the responsibility of defence and putting down rebellion, that we thought this could best be effected by colonial troops under colonists and that we must decline to invest Sir A. Cunynghame with the control of the war. The answer to this was immediate dismissal with an order to hold our places until our successors were appointed. This we agreed to in order not to embarrass the Government of the country.

"Three days afterwards Mr. Molteno and I received a most insulting letter by the hands of the Civil Commissioner ordering us to hand over our papers to him at once. This is the reward I have got for five months of the most incessant toil and anxiety and Mr. Molteno for five years of successful administration. Of course it does away with any kind of safeguard which Responsible Government was supposed to confer, for it is manifest that a Governor who can dismiss his ministers at will and in a huff is much less controlled than if those ministers were honest executive officers.

"The result to the colony is doubtful. There is a very large war expenditure which is now being paid by the Imperial Government and for which the ministry who represent the Parliament decline to be responsible as they consider it extravagant and unnecessary. The Governor dismisses them and picks up five tools who do his bidding. . . . There is one gleam of comfort and that is that Lord Carnarvon is 'out.' We shall have no more of his meddling at all events and shall be allowed to 'fry in our own fat,' that is if we have any fat left to fry in."

A letter to his mother, written a few days afterwards, is in a similar strain.

"Your note," he says, "of 31st January arrived by same steamer as a whole host of soldiers. It is very disgusting to us here to see the English press holding forth on 'the cry raised by colonists for assistance and how England cannot supply the call,' and quoting Sir Bartle Frere's telegram. Now all this is really too bad, not only have we never asked England to send us troops, but we have officially told Sir Bartle Frere that we did not want them. And he sent this telegram to England in defiance and behind the back of his ministry. One week after he had sent this telegram the

colonial forces were sufficiently organized and numerous to move forward and crush out the rebellion in the Gaika location. The troops are a fearful encumbrance and a monstrous expense and for protesting against them we have been driven from office. The war will be protracted and the definite settlement of our native difficulty much complicated. The new native policy is to be a vigorous one. . . .

"I need not tell you that I feel my enforced idleness very keenly. 'Rest' to me is most distasteful and means ennui. In fact when one gets to a certain time of life, I don't see what pleasure there is except in hard work and physical exercise. And I did like my work so much that it is hard to give it up in a moment. Just at present I feel that nothing would induce me to go in for political work again. These wrenches must induce callousness and, though the actual work is charming, the political part is so mean and petty and brings one in contact with such mean and disgraceful phases of human nature that as our liberties are all safe it does not seem worth while to join the mob who are wrangling about place as if *that* were the thing to be aimed at. It has been a great blow to me to have my faith in Sir B. F. so shaken."

In another letter to his mother, sent in March, he writes in very despondent terms :

"Just a line to acknowledge yours which arrived this morning. Our miserable war still creeps on owing to gross mismanagement. The Kafirs have gained the Amatotas where a series of desultory movements are being carried on under the Military, in fact it is a real old-fashioned Kafir war. I should think that Sir B. F. has found out by this time that he would have done better to curb his temper and not take such violent measures. . . . Were it not for the immediate prospect of the session I would not wait.

"I have made up my mind to have no more to do with public life. The amount of low, vulgar and personal abuse which does not stop at one's public acts has given me an utter distaste for an arena where such weapons are the ones in vogue, and I am convinced that it will be many years before the politics of the Cape will be such that a gentleman can either take part in them or have the slightest prospect of doing good to the country. I had hoped that my services would have given me a claim on the Imperial Government for employment either as a Colonial Secretary or a minor Governor. . . . I do not feel very bright

as I was wrapped up in my work and it is hard to see others muddling where one had begun well." . . .

From this last letter it appears that Merriman, sorely disheartened by the trend of public life, had had some idea of applying for the position of Colonial Secretary in some Dependency, or of Governor of some minor Colony, and shaping a career in the service of the Colonial Office. Had Sir H. Barkly remained longer at the Cape, something of the kind might possibly have been arranged—and there would probably have been less occasion for the compilation of this biography. It seems clear, however, that gradually there grew upon him that parliamentary *aura* which was to become, in the process of years, the breath of his nostrils. While remarking in the same letter that he had made up his mind "to have no more to do with public life," he also says that the only thing that induced him to remain was the immediate prospect of the Session.

When Parliament met the attack on the Ministry was opened, not by Molteno, but by Merriman himself, whose conduct of the war was the main issue, and who had a close acquaintance with all the relevant facts. He moved a resolution which amounted to a vote of censure on the new Ministry for accepting office and on the Governor for appointing them. The reports of the ensuing debate, which extended over several sittings, may be described as voluminous but fragmentary. Neither in that nor in the next Parliament was any *Hansard* issued or other collection of debates in volume form.

The fullest report will be found in the files of the *Argus*, the principal Cape newspaper, then owned by Saul Solomon. Merriman rose on 27th May, to say "a few words" in support of his motion. A portion of his speech occupies nine closely printed columns, and the balance was "shut out for want of space." The oratory of other speakers was similarly truncated.

When the debate was resumed a remarkable incident occurred. The Speaker (Sir D. Tennant) announced that

since the adjournment he had further considered the position and had come to the conclusion that the greater portion of the motion, as containing a censure of the conduct of the Governor, was out of order ; such reflections were admissible only in the shape of an address to the Crown for his removal ; " he had been unwilling," he explained, " to interfere before lest it might be said that free discussion had been burked." The occasion that he chose for such intervention, after the mover had had his say, and others had continued the debate, was certainly curious and naturally suggested some extraneous interposition during the adjournment. An unsuccessful attempt was made to amend the motion ; but the debate proceeded, and a fairly complete, though more condensed, report will be found in the *Cape Times*.

The portion of the resolution which attacked the new Ministry for accepting office remained open for debate, and members found little difficulty in expressing their views without technically infringing the ruling of the Speaker. The Attorney-General (Upington) in a slashing reply to Merriman, had commented on the fact that the motion had not been proposed by the late Prime Minister. Molteno made an effective reply. In justifying his action during the crisis, he explained that many of the colonial levies had refused to serve under the command of imperial officers, who were unfamiliar with the requirements of bush warfare ; he also gave reasons for his belief that, had their plans not been thwarted, the arrangements made by his government would have brought the trouble to an end with more expedition and at less expense.

The general feeling of members was, however, against the resolution and, after a prolonged debate, the House divided, on 6th June, when an amendment, to the effect that the removal from office of the late Ministry was in the circumstances unavoidable, was carried by a large majority (37 to 22). It may be interesting to mention that one of the last speakers was J. W. Sauer, who had been elected for Aliwal in 1874 and continued to represent that constituency till after

the Boer War. Merriman was sitting at this time for the adjacent constituency of Wodehouse, and Sauer was among the supporters of the amendment. He was rather satirical in his comments on Merriman, as having been one of Molteno's keenest opponents till he became his colleague, and as a former opponent of responsible government, who was now pushing the principle to its extreme limit.

After this Session the Parliament expired by effluxion of time. Sprigg obtained a majority at the polls by his advocacy of a " vigorous " native policy, and it was this policy, and especially his ill-starred action in Basutoland, that brought Merriman and Sauer together, and was the beginning of a political alliance and a personal friendship that endured as long as the Parliament itself.

Merriman in this controversy received no support from the press. In his view of the constitutional position he was indeed ahead of his time. The *Cape Times* called him " a red republican " ; the *Argus*, while complimenting him on his argument, could not agree with his contention ; in the course of a leading article it remarks :

" . . . We think no one will deny that the member who shone most in the Debate was the late Commissioner for Crown Lands and Public Works. His case was intrinsically bad, and it was made worse by errors in tactics. He could necessarily receive but small assistance from his colleagues in the late Ministry now sitting in the House, and one of the heaviest blows dealt at his case was the production of a Minute by another colleague directly at variance with the views expressed by Mr. Merriman. He had, therefore, to fight the battle, so to speak, single-handed under extraordinary difficulties and he fought it well. We feel called upon to make these remarks partly because they are simply just towards a gentleman who, in an important crisis in the history of this country, nobly tried to do his duty, and partly because we are compelled in the interest of good government to expose and condemn the erroneous positions he has laid down regarding the administration of public affairs in a British Colony having Responsible Government. For this is the main issue in the case. . ."

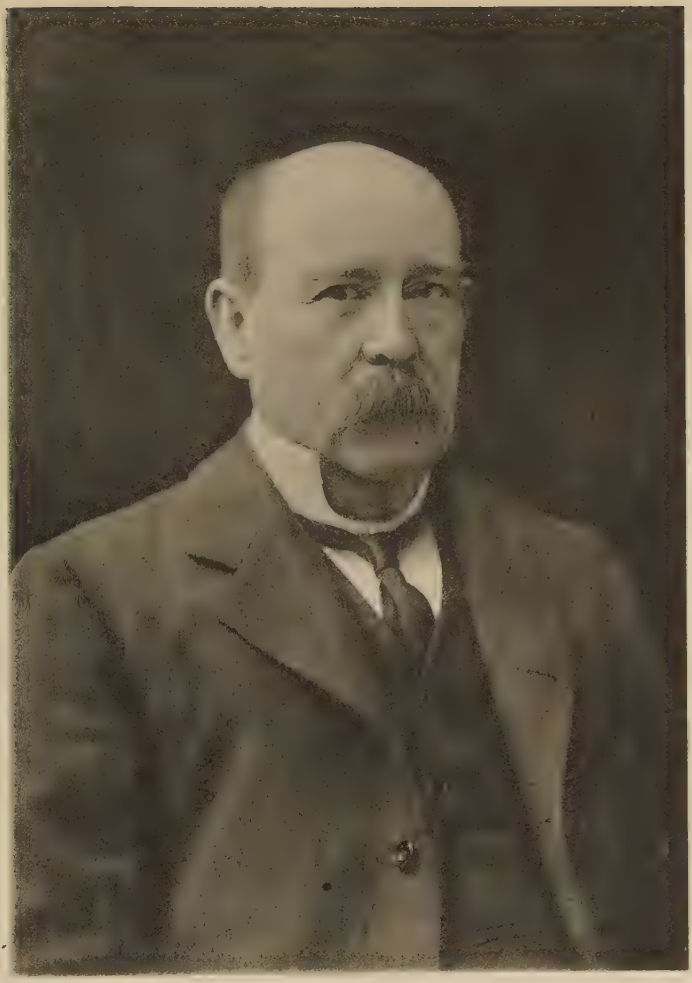
The *Argus* then goes at length into the constitutional

aspect, quoting May and various precedents, and ends by saying :

" Our form of Government is not as yet a Republic, and we have, as a matter of fact, an element in the constitution possessing certain powers which cannot and ought not to be ignored. Mr. Merriman may set his mind at rest as to the evil influence of the blandishments of a popular Governor. The ' champagne and sherry policy ' has seen its last days in the Cape. What we have most to guard against is not a curtailment of our liberties, but rather an increase of our responsibilities by the mother country prematurely thrusting upon this Colony the territories in our neighbourhood where the most difficult problems of statesmanship in South Africa have to be solved.

" To do so, the Imperial Government is not likely to lessen, if it were possible, the liberty this country enjoys, as to do so would be to put upon England the carrying out of a policy that would entail a large expenditure of British taxes and bring on ugly questions in the House of Commons. We have no fear for the rights of the Colony, but to preserve them our public men will have to act with prudence and courtesy, and not arrogate to themselves, when Ministers, the powers of the whole constitution."

At this period Molteno's public life was drawing to a close. In the proceedings of the new Parliament he took a less active part. Merriman, on the other hand, seems to have soon got over the despondent feeling exhibited in his letters to his parents and abandoned any idea of retiring from public life. He now became practically the leader of the Opposition, and soon received the co-operation of Sauer, who had been re-elected for Aliwal. Here there was a large contingent of native voters, living on the Basuto border in the District of Herschel. Sauer, by his views on native policy, had succeeded in acquiring their confidence, without estranging his fellow Boers. An attorney by profession, with an office at Cape Town—at the Cape, barristers and solicitors are usually designated advocates and attorneys—his whole interest was centred in public life. He was well-read in political history, and inclined to sympathize with the views of those then described, not without the suspicion of a sneer, as " philosophic Radicals." With a good memory, and a capacity for



J. W. SAUER

pungent retort, he gradually acquired the reputation of the most effective debater in the House. For many years the association of Sauer with Merriman was a sort of counterpoise to that between Upington and Sprigg. It lasted till the consummation of Union, when Sauer, with the full consent and approval of Merriman, accepted office under Botha. He became Minister of Railways in the first Union Ministry and died in 1913.

At the Cape he and Merriman were often to be seen in company, Merriman with his long legs and swinging stride forging ahead, while Sauer, of shorter and stouter build, toiled like panting Time to keep step with him in vain. Among many entries in Merriman's Diary referring to intercourse with Sauer, one may perhaps be quoted, as showing his appreciation of the "visible scene" of the Peninsula. "In afternoon," he writes, in June 1900, "walked with Sauer along Wynberg Hill. A dull day, mountains indigo blue with gleams of sunlight, the sea like a shield of burnished steel. Autumn tints over all the woods and a sort of brooding stillness in the air made up an afternoon singularly unlike Cape scenery and weather."

In later years Sauer, following Merriman's example, bought a fruit farm in the District of Stellenbosch. It must have been a sore trial to Mrs. Sauer to give up her beautiful garden at Kenilworth. Like Mrs. Merriman she was a skilful gardener and could display with pride the contents of her "rabat" at Uitkyk. The farm was within easy distance of Merriman at Schoongezicht, facilitating intercourse, as shown by entries in the Diary, between the veterans, when they discussed the latest phase in public affairs or the best plan for attacking the codling moth.

In the new Parliament, it may perhaps be mentioned, Merriman became a member of the Committee on Public Accounts. He always advised new members not only to be assiduous at debates but to take a full share of Committee work, and especially, if an opportunity occurred, of this Committee, to which he attributed much importance. While

admitting that the expenditure which it investigated had already been incurred he held that the examination by the Committee of the heads of departments, and their comments on expenditure, had a salutary effect, and that the fact that any extraordinary expenditure would eventually be reported to Parliament often acted as a warning alike to Ministers and Heads of Departments. He attached, moreover, the greatest importance to the fact that it was through the medium of this Committee alone that the hands of the Auditor-General could be strengthened in his criticisms of expenditure, and especially of the issue of Governor's warrants for expenditure not sanctioned by Parliament. It was through such investigations that Merriman acquired his insight into the financial mechanism of the Colony and increased his qualifications for conducting the business of the Treasury.

To Merriman extravagance in public expenditure was almost criminal. Mr. Gladstone's example was his gospel, often cited when authority was sought for some apparently trifling item which he did not regard as really necessary. In his own expenses, when travelling on public service, he was always a model of frugality. His somewhat stern conception of the duties of a Minister of Finance was doubtless accentuated by the fact that on taking office he was more than once confronted with an empty chest and had to curb the lavish outlay his predecessor had sanctioned. " Take care of the pence and the pounds will take care of themselves " may be said to have been his motto in such circumstances—a policy which, whatever its merits, does not enhance the popularity of the Minister who has to enforce it. It was never his good fortune to accede to office at a season of financial prosperity ; his only consolation was that, at the close of each of his periods of office, he left the finances in a sounder state, and the Cape Stock at a higher price than when his term began.

The Ministry of Disraeli (who had become Lord Beaconsfield) was now drawing to a close. The Colonial Office, in which Carnarvon had been succeeded by Hicks-Beach, was still pressing its scheme of federation, mainly in the hope that

it might afford a solution for the growing difficulties with the Boers. Frere may have thought that, with a new Ministry and a new Parliament, such proposals would have a better chance of success than when Molteno and Merriman held the reins of Government. Sprigg's principal advocates in the Colony were the more or less wise men from the East, where a separation of the two Provinces was desired ; and all the new Ministers, with the exception of Upington, represented eastern constituencies.

The Government now proposed that a conference of delegates from the various States should be convened to draw up a scheme. This proposal, however, met with strong resistance from the leading men in the Transvaal, who sent a deputation to the Cape. They found a powerful ally in Hofmeyr, who had been returned for Stellenbosch and had already acquired much influence with his compatriots in the House. Hofmeyr's views on the subject had been completely changed by the proceedings in the Transvaal. On this question Hofmeyr and Merriman were in full accord, and the Government escaped defeat only by accepting an amendment of " the previous question." Nearly a generation was to elapse, and many things were to happen, before any plans for closer union could meet with a favourable reception from the South African community.

In anticipation of such discussions Merriman initiated a correspondence with Goldwin Smith, which continued intermittently for many years and included much matter of interest. Smith had already taken up his abode at the Grange at Toronto, a pleasant mansion surrounded by what the auctioneers call " park-like grounds " in the heart of the City, and with many interesting associations and relics from the days of Governor Simcoe and " the Family Compact." Smith, with the innate conservatism of the travelled Liberal, was wont to describe it as " the only English country house in Canada." It was there that the present writer had the privilege of visiting him, nearly thirty years afterwards—introduced, as it happened, by a letter from John Burns—

with the object not only of making the acquaintance of a veteran of Liberalism but of ascertaining the views he then held on some of the subjects of Merriman's first letter.

In this letter Merriman, after referring to the Froude Mission, the South Africa Act, the annexation of the Transvaal and the Zulu War, stated that " A desperate effort was being made to get the Cape Colony to swallow the S. Africa Act wholesale, which in fact meant taking over the responsibilities of the outlying districts with the expenses. This policy was supported by the Ministry, loudly preached by the Governor, and found favour in the eyes of those who wished to divide the colony under the name of provincial governments."

After giving statistics of the population, white and coloured, of the proposed parties to the confederation, he proceeded as follows :

. . . The danger to the proposed plan lies in the number of natives. The small proportion of Europeans and the danger of state governments on such a small European basis assuming powers with regard to natives prejudicial to the safety of the general government, who would be charged with the cost of defence. The object with which I have ventured to take up your time is to ask for some information regarding the working of the Canadian Constitution which is avowedly the model upon which the S. Africa Act is drawn, and I should not have done so had it been possible to get an impartial account elsewhere, but travellers generally devote so little attention to such matters that one does not know where to turn.

Has the Canadian Constitution on the whole proved a success ? Do the powers of the general government tend to increase or diminish ? Have collisions other than that of B. Columbia occurred between the states and the general government and is any friction likely to increase or diminish ? Has Federation proved an expensive form of Government ? Has it encouraged log-rolling for public works for localities ? Does the influence of provincialism tend to reduce the calibre of the representatives in the general Parliament, a result which some writers notice in the U. States ?

I should be greatly obliged if you could find time to answer any of these questions or if you would kindly point out some place where the information could be obtained. It is rarely that the

opinions of one like yourself qualified to judge of the abstract merits or demerits of institutions can be procured in a colony, and if you would give such an opinion you would be rendering no small service to a community which is suffering at present from the too-pressing attentions of Downing Street.

A Federation seems to me peculiarly unsuited to a scanty and scattered population that can barely find money enough to support one government and where the expenditure on public works constitutes the principal topic of policy. But Downing Street always dangles Canada before our eyes as the modern political Elysium, and I have therefore been impertinent enough to ask a perfect stranger, but one who from his writings I am sure can better than anyone else answer the question, whether things are as *couleur de rose* as they are painted.

There ensued a correspondence of much length, on these and kindred subjects, extending over nearly two years, and not easy to summarize here. In replying at length to Merriman's first letter Goldwin Smith remarked that there was a growing feeling that the constitution of the Dominion was too complicated and expensive, but that the adoption of the federal system was largely due to the attitude of Quebec, which clung to its separate nationality and national code of law. A political deadlock had ensued from a long and evenly balanced conflict between Upper and Lower Canada, which had been kept in a state of antagonism by differences of race and religion. Another cause was the fear of American hostility brought about by the disturbance of relations between England and the United States during the civil war. It was supposed that confederation would bring with it an increase of military strength—an anticipation which did not appear to have been fulfilled.

The main functions of a general government under the federal system being already, in South Africa as in Canada, performed by the Imperial Government, the main object of federation was wanting. Federation was the natural expedient of a group of small communities responsible for their own defence and pressed by a powerful enemy, as the Swiss Cantons were by Austria, the United Provinces by

Spain, and the United States by England. The multiplication of legislative bodies increased the field for all sorts of intrigue and the country was unable to supply the number of public men required or defray the cost of the double set of institutions.

Federation might in some cases facilitate the promotion of useful public works, such as canals, but in others such promotion had been uneconomical; he instanced the Inter-Colonial Railway, which had never paid its way, and the Pacific Railway scheme, which "in its very birth produced a scandalous development of political corruption." So far no great progress had been made towards a fusion of interest and feeling, "sectionalism still reigns in everything from the composition of a Cabinet down to that of a Wimbledon Rifle Team. The French Province seems to harden itself in its isolation. Antagonisms are apt to be developed by unions which are not perfectly spontaneous. The representatives of the smaller Provinces form separate interests, for the alliance of which a competition is always going on between the leaders of the two parties which have their basis in the old Provinces of Ontario and Quebec."

He referred more than once to the case of M. Letellière St. Just, as illustrating the difficulty of working so complicated a machine. As to the situation in South Africa, he observed that "people will be compelled in time to acknowledge that the destinies of communities are not likely to be well shaped by ignorance, residing at a distance, however benevolent the intention and however respectable in himself the operator may be." Altogether he did not think that any unprejudiced observer would say that Canadian Confederation was an assured success, at all events on its present footing.

Merriman mentioned that he had made use of these letters in the debate on the Government proposal and thought the extracts had much weight. Thenceforward Merriman adhered to the view that any attempt to achieve political solidarity among the States of South Africa must be spontaneous in its origin and unitarian in its object.

broken at Ulundi. At the same time they had been antagonized by an unsympathetic administration at Pretoria, where the representative assembly, which Frere had promised, was still delayed. The situation became so serious that Merriman and Hofmeyr went to the Administrator at Cape Town and suggested that he should endeavour to ascertain more definitely from Lord Kimberley what terms he would be prepared to offer to the Boers.

Soon afterwards the storm burst. One Bezuidenhout had demurred to paying his taxes—trouble with the Boers usually began with a squabble with a Bezuidenhout—and when, after payment had been made, his wagon was distrained for costs things came rapidly to a head. After isolated acts of violence, the Transvaal flag was hoisted and the 94th Regiment, on the march from Middelburg to Pretoria, was attacked and cut up at Bronkhorst Spruit. Garrisons were beleaguered in Pretoria and Potchefstroom. General Colley, in command in Natal, hastened to the frontier, where he was met and repulsed by a Boer commando under Joubert, and perished in the disaster of Majuba Hill.

An armistice was then arranged ; General Roberts was dispatched in haste from England ; and Sir Hercules Robinson, the new Governor of the Cape, found on his arrival a knotty coil to disentangle. Assisted by the moderating influence on the one side of Sir Henry de Villiers, on the other of President Brand, he was enabled in the end to effect an accommodation, the scope of which scarcely falls within the present narrative.

When the Cape Parliament met, the Ministry, as already mentioned, found their position precarious. They had lost support owing to the failure of their native policy and one member of the Cabinet had tendered his resignation. The Basuto war had become very unpopular ; and the Ministry now felt constrained to accept the Governor's award which amounted to a complete reversal of their policy of disarmament. Sprigg at first had some reason to hope for the vote of the contingent from Griqualand West ; but among the new

letter from Cecil Rhodes. Such letters are rare, as Rhodes was no correspondent and usually employed the telegraph as a vehicle of intercourse with friends at a distance. In this letter, dated May 1880, and extending over several pages, the writer begins with an expression of hearty sympathy with Merriman over the Basuto question and goes on to advocate an increased representation of Griqualand West in the Cape Parliament. The Province had been annexed under a Cape Act of 1877 ; the annexation was now to come into effect and the Act provided for representation by one member in the Council and four in the House.

The chief object of the letter was to press for the extension of the railway to the diamond fields. The main line from Cape Town had now reached Beaufort West—Molteno's constituency in the Karoo—but was still separated from Kimberley by some 300 miles of veld. Rhodes described Kimberley as " now the richest community in the world for its size " ; he entered into considerable detail as to the permanent character of the mines and the assured demand for coal and other commodities, which would more than defray interest on costs of construction. These representations were not without their effect. Two years afterwards two additional members in the Assembly were assigned to Kimberley ; the railway extension had already been taken in hand.

While the struggle with the Basutos was still dragging on, the clouds in the north had been growing darker. In view of the strong Liberal opposition to the annexation by Shepstone, which had been approved by Lord Carnarvon, the Boers had naturally supposed they would regain their independence when Gladstone, who had emphatically " repudiated " this step, returned to power in 1880. The Colonial Office, however, hesitated to adopt such a trenchant course and still hoped, as already observed, that some scheme of federation might meet the exigencies of the situation.

But the Boer farmers in the Transvaal, under Kruger and other leaders, were no longer obsessed by the peril from the Zulus, whose formidable military organization had been

broken at Ulundi. At the same time they had been antagonized by an unsympathetic administration at Pretoria, where the representative assembly, which Frere had promised, was still delayed. The situation became so serious that Merriman and Hofmeyr went to the Administrator at Cape Town and suggested that he should endeavour to ascertain more definitely from Lord Kimberley what terms he would be prepared to offer to the Boers.

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members was Rhodes, who represented the river diggers on the Vaal, and the farming class in the adjacent areas. Rhodes, dissatisfied with the attitude of the Government on the railway question, persuaded his colleagues to join with him on the opposition side ; and Sprigg, finding he could no longer carry on, placed his resignation in the hands of the Governor.

When Sprigg had assumed office, his policy of disarmament, endorsed by Frere, had found support in many quarters and a substantial majority in the House. The farming community on the border, harassed through two generations by native raids, was all in favour of disarmament ; while the Boers generally, in sympathy with the Free State, held that the fighting power of the Basutos—both aggressive and defensive —had increased, was increasing, and ought to be diminished. Men were enlisted at high wages to carry out the orders of the Government ; every available wagon was impressed at high rates ; money circulated freely ; and the programme of coercion, so long as it seemed likely to succeed, found favour in many quarters. But, as success grew more problematic, trade began to suffer ; tension grew in the Transkei and the financial position changed rapidly for the worse. There ensued a revulsion of public feeling.

One of Merriman's correspondents, writing from King William's Town, remarks : " What I regret most is the bitter feeling of race hatred which is being sown broadcast, and the terrible sacrifice of life which must take place before this wretched business is ended. Then what a task will be left for those who have to take up the reins of government, to evolve order out of chaos, and by justice, honesty and fair dealing try to remove some of the bitterness and animosity which will long survive this futile effort to establish the ' supremacy of the white man ' by might and not by right."

CHAPTER V

THE SCANLEN MINISTRY

Scanlen becomes Prime Minister, with Merriman, Sauer and Hofmeyr among his colleagues—Differences with Hofmeyr—Use of the Dutch language—Merriman attacks the Bond and Hofmeyr resigns—Merriman's wit and sarcasm—The Mole, the Bumbler, the Little Master and the Young Burgher—His work in Parliament, constructive and critical—Native Affairs—Relations with colleagues, officials and personal staff—His outdoor life—Riding, shooting and other forms of exercise—His characteristics as a speaker—Some typical passages—Opinion of Randolph Churchill.

This task, however, had now to be undertaken. A policy which might be described as one of war and waste had had its day ; that of retrenchment and conciliation had now to be tried in its place. At an opposition caucus, held when Parliament met, the leadership was offered to both Merriman and Sauer, and also to Hofmeyr, who had already made a name in the country, and had recently been elected for Stellenbosch. For one reason or another they all declined and the choice of the party then fell on Mr. Scanlen, a member of a leading firm of solicitors at Cape Town. It was therefore Scanlen who moved the vote of no-confidence and was called on to form the new Ministry, in which he became Premier and Attorney-General.

There was some dissatisfaction, mainly professional, at the appointment of an attorney to a position which it was customary for an advocate to hold. It was certainly advisable for the functions of a Minister of Justice to be assigned to a member of the bar ; but it was also advisable for such a Minister to have a seat in the House. It so happened that the only advocates then in the House had been associated with the outgoing Government. One of them, however (Leonard), had recently resigned and, after an interval sufficient for decorum, accepted office under Scanlen. The

Prime Minister himself then took over from Molteno the post of Colonial Secretary, which embraced the conduct of external affairs and was frequently combined with the Premiership. Sauer became Secretary for Native Affairs, Merriman returned to his position as Commissioner, and Hofmeyr accepted a seat in the Cabinet without portfolio.

Hofmeyr's tenure of office, however, was not prolonged. Before the end of the year a breach was caused by a speech of Merriman's at Graaff-Reinet. This was not the first occasion on which he paid little heed to the warnings against impetuous utterance which, before he first took office, he had received from Paterson—to say nothing of the gentle hint from Sprigg. He had, as will be remembered, during his first Ministry aroused—not, it must be admitted, without provocation—a stormy scene at Uitenhage, where both he and Froude were being entertained by the Mayor, by his denunciation of Froude's mission to South Africa. He now, while the colleague of Hofmeyr, rather went out of his way, when receiving an address couched in very temperate language, from the local branch of the Afrikander Bond, to denounce that organization on the ground that distinctions of class or race should find no footing in the political world.

There was doubtless much that was open to animadversion in the aims and objects of the Bond ; but it so happened that, during Merriman's tour in the East, Hofmeyr had been speaking in the Western Province in support of another organization of a very similar character ; and an article in the *Cape Argus*, then regarded as Merriman's organ in the press, and actually attributed to his pen, contained an attack on both bodies. Merriman had before this been at issue with Hofmeyr in his advocacy of equal rights for the two languages in Parliament, a measure which, with some lack of foresight, Merriman had opposed in Cabinet.

On this subject also he sought information from Goldwin Smith, who, while recognizing that the dual language in Parliament was clumsy and expensive, went on to say " that it leads to no practical mischief and it would be unwise to

oppose any proposal otherwise deemed politic on the ground that it entailed the adoption of the bilingual system. . . . French Canadians who go into politics find it almost indispensable to make themselves acquainted with the language of the majority, and speakers naturally prefer the most influential vehicle for their opinions. Thus English gradually and quietly prevails in politics over French. If this is the case with us, where the language of the minority is sustained by a great literature and a powerful nationality, it would be still more likely to be the case with you, Dutch being hardly a literary language."

Smith was in Europe at the time and sent Merriman a report, much to the same effect, from the Minister at Berne as to the use of the three languages in the Swiss Parliament. With such information in his possession it certainly seems regrettable that Merriman did not show a more accommodating disposition on this matter. It would have improved his relations with Hofmeyr and might have strengthened his position in other respects.

This was not the only matter on which Hofmeyr did not find himself at ease in the Cabinet. He had had some difference of opinion with Scanlen as to the measures to be taken in Basutoland. The upshot was that, before the end of the year, he resigned his seat in the Cabinet. In a memorandum written at the time, after referring to the difficulties of the Basutoland settlement, he ascribed his actual decision to Merriman's communications with the press regarding his connection with the Bond and his advocacy of the use of Dutch in Parliament. Thereafter his sympathies and influence were mainly ranged with the opposition.

Shortly after this rupture we find a characteristic letter from Merriman to a correspondent at Kimberley :

" We are in the throes of a ministerial crisis in this wise. Having survived Basutoland, Hofmeyr and his merry men cast about for some engine of destruction and launched a craftily worded resolution in favour of protecting Cape Brandy. This, I must admit, was very feebly opposed by Scanlen and Hutton and was

carried by a large majority. They now propose to bring in a Bill and if the Bill comes in the Ministry goes out. We could hardly wish a fairer death than to sink under the waves of the Spirit of the Country. . . . Scanlen says he does not intend to allow Hofmeyr to sit on a coach box and drive him about. H. I think a good fellow, but he does not love some of us and *hinc illae lacrimae*. If we go out I might take a run home, but the Lord knows."

The end, however, was not yet. Hofmeyr never had much inclination or propensity for ministerial life. Though quite an effective speaker when occasion arose, he was much more at home in the lobbies than in the debating chamber. More than one unsuccessful attempt was made to induce him to form a Cabinet. Much of his influence was exercised behind the scenes, in a quiet chat at a football match or over a cup of tea at the Club. It was his adoption of such methods that led Merriman, at an early stage of their intercourse, to give him the nickname of "the mole, an industrious little animal." "You never *see* him at work but every now and then a little mound of earth, thrown up here or there, will testify to his activities."

This was only one of many instances of Merriman's felicity in this particular vein. Sauer, for instance, once described by St. Leger, of the *Cape Times*, in his parliamentary sketches, for some recondite reason, as "bumbling" round the House in quest of a pinch of snuff—Mrs. Sauer never allowed him to keep a box of his own—was thereupon designated "the Bumbler," and "the Bumbler" he remained. Sprigg, when Prime Minister, had an interview with a recalcitrant Basuto chieftain, whom he sought to impress with a due sense of the dignity of his position. "Tell him," he said to the interpreter, "tell him I am the Master of the Colony." Merriman at once referred to him as "the little Master," and the little mastership stuck. Kruger once explained to a deputation of which Rhodes was a member, that he had to consider his old burghers. "Yes, Mr. President," replied Rhodes, "but we are your *young* burghers, and we also want to help you." Rhodes was forthwith dubbed "the young burgher," a

description of which the irony was emphasized by the sequel of events. " The Balliol Kindergarten " and " The rowdy Tyrtaeus " perhaps demand a passing reference. De Waal's activities as Colonial Secretary in the last Cape Ministry were recognized by his appointment as the first Administrator of the Cape Province.[1] In that capacity he was rather inclined to magnify his office by sundry provincial tours with an imposing retinue and at a corresponding scale of expense, which earned him the appellation of " Don Magnifico."

Merriman, who was always a poor man, with no professional work or regular occupation, unlike Hofmeyr, was never so happy as when in office—although, unlike De Waal, he had no affection for the pomp and circumstance of power. The modest emoluments of a Minister were very acceptable, and he sometimes expressed regret for having devoted so many years to an avocation on which he could not rely for a reasonable subsistence. But, apart from pecuniary considerations, the occupation itself—whether as Commissioner or Treasurer—was thoroughly congenial. He set about his work with zest, conducted it with competence and surrendered it with regret. When we remember that, out of more than half a century in Parliament, he was in office in the aggregate for less than ten years, it is scarcely surprising that the total output of legislation of permanent importance, associated with his name, was not more considerable. The work of a private member is rather critical than constructive ; he can introduce no Bill involving expenditure—and very few Bills do not. Should he make any competent proposal, he is often asked not to press it in view of the intention of the Government to deal with the matter as a whole at an early date.

It may be mentioned that as Commissioner he passed the first Irrigation Act, and always displayed much interest in that and other agricultural topics, taking great pains to

[1] It had been resolved at a Bond Congress, held at Beaufort West in 1910, to support any Union Ministry, provided the Bond had two representatives in the Cabinet and the Administratorship of the Cape.

obtain information as to what was being done elsewhere. In three Ministries he held the post of Treasurer, and found himself largely concerned with the rehabilitation of the credit of the Colony, which had been jeopardized by too optimistic predecessors. In his first period at the Treasury, when confidence had been shaken by the failure of a leading bank, he carried a well-devised Bank Act, regulating the issue of notes and generally putting the banking system on a sounder basis. He always contended that the most appropriate portfolio for the Prime Minister was that of Treasurer, as it enabled him to control and co-ordinate the work and expenditure of the other departments. On the other hand, it may be pointed out that, with the Treasurer as Prime Minister, there is a risk of his being confronted with a combination of all the spending departments to oppose his attempts to cut down their estimates ; if confident of the support of the Prime Minister he may be in a much stronger position. The matter is scarcely one on which to generalize, as so much depends on the personal equation. In later years, after the establishment of Union, he was inclined to think, in view of the anxious problems requiring prudent treatment in the early future, that it might be advisable to associate the Premiership with the Department of Native Affairs.

The importance of good administration in the Native Territories was with him a favourite theme. It was mainly because he realized this necessity, and was doubtful whether the Colony could furnish a supply of competent officials sufficient for the demand, that at one period he was anxious for the administration of the Transkei, as well as that of Basutoland, to be taken over by the Imperial Government. He thought that the service should be a *corps d'élite* modelled upon the Indian Civil Service. He said on one occasion that what England had accomplished in India did not rest solely, nor indeed mainly, upon the deeds of its great leaders, but upon the devotion and self-sacrifice of a multitude of humbler men, who had taken their lives in their

hands and, in far-off and unhealthy stations, upheld the traditions of their country and the ideal of duty for duty's sake. " Their names," he said, " are forgotten and they rest in unknown graves. But their works follow them, and their lives have rendered possible an achievement which is one of the chief glories of the English race."

Some of his best speeches were made on the native question; the reports in *Hansard* are very meagre. He was never a negrophilist, and objected to any indiscriminate granting of the franchise, but, as time went on, he became more and more impressed with the magnitude of the question and the importance of its prudent handling. He saw clearly the dangers of any policy of repression, of any denial of the reasonable claims, or abrogation of the just rights, of the non-European portion of the community. He kept in touch with the exponents of Bantu thought, such as Tengo Jabavu, and was regarded by the natives as a judicious adviser and firm friend.

Any discussion of Merriman's relations with his colleagues in Cabinet may be postponed till we consider in greater detail the work of the ministries of which he was a member. With the civil service as a body his policy of retrenchment made him far from popular, and some of his sarcasms in the House did not improve the feeling. But the interest he took in the work of his department stimulated the permanent officials with whom he came into touch. He was quick in the uptake and they admired his administrative aptitude. He was an exacting chief, and his manner was somewhat abrupt, but his staff knew that he appreciated good work. He liked office for the interest it gave him in the affairs of the country, and enjoyed the close contact with the members of the permanent service, whom he always spoke of as the real rulers of the Colony.

He liked those who stood up to him and had a great regard for such public servants as French, Moffat and Hoal, who stuck to their point and were not to be intimidated by any Minister. There are many letters from officials, opposed to

him in politics, expressing their sincere regret when he quitted office. His relations with his private secretaries were always cordial and he seems to have inspired their affection. One of them, the son of an old friend, when he took office under Scanlen, was brought in from the Telegraph Department to hold that post, which in those days was far less important than it grew to be in later years. The office of the Commissioner was then in Church Square, and had no ante-room. The secretary had a desk in the Minister's room, from which he had to beat a precipitate retreat on the arrival of some friend or colleague. It was rather an alarming experience for a lad of 18 to find himself sitting so closely, during official hours, under the eye of such a hard worker and so strict a disciplinarian. Nor were his instructions on the margin of papers requiring a reply always easy to convert into officialese. In one case, for instance, there was a petition from a policeman at Walfisch Bay, complaining that, by his transfer to another station in a distant part of the country, he would suffer considerable loss and inconvenience in connection with the education of his family ; he was already, he explained, the father of eight children, and expected soon to be the father of nine. " Surely," ran the Minister's endorsement, " it would be a pity to uproot and transplant such a fruitful vine."

Another secretary, at a much later date, was taken on trial for a week, " to see how they got on." On the second day they " had words " and he thought he would scarcely last his week. The former secretary, who had now become a colleague in the Cabinet, reassured him and said Merriman liked his subordinates not to be afraid to stand up to him. Their relation continued as long as the Cabinet itself and the last secretary was afterwards able to give him help, which he much appreciated, in other ways. They both agree in stating that, while Merriman was exacting in office, no one could put away more completely his portfolio on closing the office door. Whether it was in the Club or in his own house, or on the long journeys they took together, the official chief disappeared from their social intercourse,

He enjoyed a day in the country. The Kowie appealed to him particularly for its excellent quail shooting, the pleasure of which was scarcely spoiled when he was well " peppered " in the legs, which were long, by one of the party not sufficiently careful to give them a wide berth. One of the attractions of the Kowie was its vicinity to Grahamstown, which enabled him to visit his mother, to whom he was devotedly attached.

Few men can have approached the work of Parliament better equipped, physically and mentally, than Merriman. To begin with, he had a striking presence, a singularly attractive voice, and a splendid constitution. He scarcely knew what it was to be ill and found it difficult to sympathize with those less fortunate. If an unfortunate secretary were temporarily indisposed, he seemed almost to regard it as a personal affront. When a dentist was asked how he managed such a refractory patient, he replied that Merriman had not a nerve in his body. When he was 80 his doctor told him that his heart and arteries were those of a man of 60. At the same time of life, he could go to the Club, on a cold day in winter, and astonish the *habitués* by lunching on a pork chop and a pint of stout, followed by a big cigar, with no detrimental consequences.

He was, however, of very temperate habits, seldom drinking anything but a glass of his own wine. He was essentially, as he described himself, " an outdoor man." An early riser, he often took a long walk before returning, with a hearty appetite, to a substantial breakfast. Always a great walker, like his father, even in old age, during the session, he contrived to get a four-mile walk and probably owed much of his sound health to constant exercise. When the National Convention was sitting at Cape Town, a picnic for the delegates was arranged on the top of Table Mountain. Mules were provided for some to make the ascent from Constantia Nek, while others were hauled up on the water-works trolley. Merriman, then nearly seventy, scorning all such adventitious aid, tramped up and down.

He delighted in all games and sports. Reference has already been made to his youthful achievements in rowing, swimming and football. In manhood he enjoyed riding and shooting. Even in the narrow circumstances of the seventies he generally managed to keep a couple of saddle horses and rode almost daily with Mrs. Merriman. His early morning rides with Rhodes at Kimberley were resumed at Cape Town, and it was not till after Union that Mrs. Merriman's nervousness induced him to forgo the pleasure of a mount. He was a poor shot, but sometimes surprised his companions by making a remarkably good one. He enjoyed a day's quail shooting and, when he had bought his farm in the country, liked to go out with dog and gun, coming back with a few pheasants and perhaps even a buck.

He played tennis and in later years took up golf, at which pastime, like most late-learners, he did not achieve success. On one occasion, when making heavy weather in a bunker, he was heard to remark, " It's a pleasing feature about this game that the worse you play the more strokes you get." Playing in a foursome, he was short of clubs and used some of his partner's, who foozled his drive. Merriman, when his turn came, strode up with extended hand, exclaiming, " Infirm of purpose, give me the dagger." There is reason to believe that the niblick had not been invented when Macbeth succeeded to the throne of Scotland.

He soon became a conspicuous figure in the House. Assiduous in attendance, he took a full share of committee work, enlarging his knowledge of public business and financial matters and acquiring information on topics, such as agriculture and irrigation, in which he was particularly interested. He soon became a practised speaker, with a striking presence, an attractive voice and a well-stored mind. His voice was once described by an opponent as ringing through the House with the rich tone of a silver bell. One of his colleagues described it as " of wonderful tone and compass," another speaks of it as " a beautiful, musical voice, pitched rather high and sounding like a tenor speaking." It

is small wonder that he became an eloquent and often a convincing speaker.

During its half-century of existence the Cape Parliament produced a remarkable number of members who shone in its debates. Merriman may not have possessed the rotund oratory of William Porter or the clarity of Saul Solomon. Among his contemporaries, Sauer was pre-eminent in debating skill ; Upington, both as debater and orator, at his best was bad to beat ; but neither of them had that moral fervour underlying the spoken word with which Merriman on occasion could impress his audience. One of his colleagues writes :

When such gifts were invoked in aid of a well-stored mind, a vivid imagination and a keen sense of humour, it is small wonder that he was an effective speaker. Nor was he hampered by that fluency which is such a handicap in addressing a parliamentary assembly. Though his words came freely, there was always a certain hesitation and an occasional repetition—so effective in addressing a legislative body. When important questions were at issue he lifted the debate to a high level and kept it there. It is difficult to visualise special occasions or to recall the exact language used. But I well remember the impression made by a speech delivered on a motion which I had moved for a contribution to the British Navy. It was carried without a division, though the real feeling of the House was not unanimous. But the position of the country and of parties was critical, a general election was not very far distant, and it would not have been politic for the Bond to take up a hostile attitude. One of the Members for Cape Town, whose somewhat windy eloquence had earned for him the name of " Orator Brown," suggested in a burst of patriotic sentiment that the motion should be adopted. This did not appeal to Merriman, who proceeded to elaborate the true grounds on which the motion should be supported ; that it was the duty of a self-respecting country to defend itself, and that, by contributing to the Navy, South Africa would be moving towards its manifest destiny of practical independence. " Many of us write and talk of a nationality," he said. " Our young men see visions and our old men dream dreams ; but they would be vain visions indeed, and idle dreams, if the protecting might of the sea power of England were withdrawn." The report in *Hansard* conveys no adequate idea of the power of the speech, but the words quoted may be read not without profit to-day.

Another colleague, more critically, observes that :

His speaking was unequal. At his best, it was brilliant and full of point. . . . With a fine turn for irony, his attack was generally made with a delicate rapier, pointed enough, but seldom twisted in the wound. His speeches were sometimes marred by his inability to understand the necessity of a sound foundation of fact and reason for an argument. . . . But, if he was not forceful as a reasoner, he was impressive by his quick, nimble apprehension of a point and his brilliant wit. He was a swordsman with a fine, bright, glancing blade. I think it was Hofmeyr who described him as a dashing leader of a cavalry charge but not a good general.

A third remarks that :

He certainly produced a strong impression on visitors from home who watched the proceedings in the House. When Rhodes was Prime Minister and Randolph was his guest at Groote Schuur, the question was put to him in this form : " You have met most if not all of our leading men ; which, if any, of them would make a mark in the House of Commons ? " Randolph replied without hesitation, " Merriman, yes undoubtedly Merriman." The name was mentioned of a brilliant advocate. " No," was the reply, " there are many men of that calibre in the House and they are scarcely listened to ; but Merriman is original and knows how to give expression to his views and that is the kind of speaker the House will always listen to."

CHAPTER VI

EXTERNAL AFFAIRS

The Scanlen Cabinet—Basutoland—Gordon's mission—Gordon in the Soudan—An invitation to Rhodes—Negotiations with Colonial Office as to Basutoland—Merriman confers with Lord Derby—Proposed abandonment by the Cape of the Transkei—The Baralong tribes and encroachments from the Transvaal—Views of Sir H. Robinson—The South-west Coast—German settlement at Angra Pequena—Bismarck's policy—Merriman's minutes and correspondence—Subsequent history of the question—Financial difficulties—Raising a loan—Election of a new Parliament and resignation of the Ministry.

From a discussion of the relations of Merriman and the Mole, when they sat in the same Cabinet—relations which might have been so much improved, to his permanent advantage, by a little tact and prudence on the part of Merriman—we have been led to a more general sketch of some other aspects of his career, from which we must now revert to the history of the Cabinet in question. During their tenure of office (1881-1884), the Scanlen Ministry were constantly preoccupied with the problem of the settlement of Basutoland, with which, in their view, that of the administration of the Transkei was closely connected. The Governor's award, favourable as it was to the Basutos, though not rejected by the principal chiefs—Letsea and his son Lerothodi—was not in fact complied with. Masupha, the brother of Letsea, was openly recalcitrant ; and his relatives showed no disposition to bring pressure to bear on him with a view to securing his submission. The loyalists did not obtain the promised compensation for their cattle ; and great difficulty was experienced in finding a really competent official to deal locally with the situation.

Meanwhile, expenses were accumulating and considerable forces had to be maintained for such action as might become necessary. On the other hand, the revenue, direct and

indirect, derivable from a country in such a state of unsettlement, was merely nominal. At the same time, correspondence went on with the home government, who would neither step in themselves nor assent to certain confiscatory proposals of the colonial government. And so a year elapsed until, in May 1882, " Chinese " Gordon, who had been on temporary duty in Mauritius, appeared on the scene and placed his services at the disposal of the Ministry.

Gordon obtained a special appointment in the department of Molteno, the Colonial Secretary ; his work brought him into close contact with Sauer as Secretary for native affairs ; but he at once on arrival got into touch with Merriman, who apparently had invited his help and on whose sympathy and support he seems mainly to have relied. There has been preserved much interesting correspondence between Merriman and Gordon and between Merriman and his colleagues (Sauer and Scanlen) as to Gordon's characteristics and qualifications for the work on hand. Thus we find Gordon writing to Merriman shortly after his arrival :

Sir H. R. told me to-day that a nice young fellow named W—— was sending testimonials to Mr. Scanlen and himself to get a company in the new regiment. Now it will be perfectly hopeless to do anything, if we continue to import these sort of men, and I do earnestly hope that it will be resisted. If Government does not like to say *no*, I will do so, if referred to me on one general sweeping memo, which will for ever end applications. . . . is interested in W—— and I fear bothers unless in your ministerial minute to me you use very strong injunctions to seek efficiency and study the strictest economy. I wish Ministry to write abruptly, curtly and almost brusquely their wishes. I shall read between the lines of their curtness. You are the cause of my taking this appointment. It was your saying that the Government wanted a man who could dare act in the direction you and I talked over, and the more fully it is understood that my views are *Colony for Colonists* the less we shall be troubled. Remember *vis-à-vis* the Dutch. We have to consider that they hate the imperial forces, the imperial officer hates the Dutch, and I must consider the burghers, etc. I can only succeed with aid of Ministry sticking to the views you expressed last night. For the money that is spent you

might have 8,000 natives in regiments, so distributed as to be away from their families, you have as much reason to believe in them as we have in our Sepoys in India.

And again a few days afterwards (some of these passages are not easy to decipher) :

Thanks for your kind letter which says " I will back you in principle in your work." I cannot tell you how glad I am to find a man of your calibre to back me, and you may rely that I will take it as a kindness if you differ with me in detail, if you continue, which you will be sure to do, your support to me in principle.

On the same day (26th May) we find him sending Molteno a " memorandum on the Basutoland question," adding :

You may think I am presumptuous in offering an opinion so soon, but if you consider that the principle I propose is one which would fit in with justice when applied in any part of the globe, I may be excused as this question is a pressing one.

Three days afterwards he writes to Merriman :

I scarcely think my prelude to the memo., Basuto question, is clear or correct. I have Basuto estimates. Actual revenue 1881 is £1,143, for which you pay out some £21,000 a year, exclusive of £6,000 a month to loyalists ; is not this hideous ? I would recast the whole, if I was the Ministry. O.'s clerk, who went up with us, has £1 a day travelling expenses. A Captain in England has 5s. Mauritius was liberal to a degree, Cape Colony beats it. I shall dare point out all these things. I may as well be hung for a sheep as a lamb. The more employees you have in Basutoland the more bothers may be expected. I would have all gaols, etc., in Aliwal or in a settled country, one head magistrate and two subordinate dittos.

Merriman thought it was a pity he wrote before acquiring more acquaintance with the subject, and gathered that he was influenced by " Indian analogies," which were not in point. Gordon had indeed made some reference to the Sepoys ; but he had been little in India, his experience in the East, outside China, having been practically limited to Egypt and the Soudan. Merriman at first suggested that Gordon should visit the Transkei ; the Pondos were giving

trouble about a dispute with the Xesibes—a neighbouring tribe at the mouth of the St. John's River—where they had failed to comply with the award in a boundary dispute of the colonial government.

Afterwards he wanted Gordon to join Sauer on a visit to the Basuto chiefs, which he thought would be good for both of them. " I want you to see matters in Basutoland with your own eyes," he writes to Sauer (30th July), " and the sooner the better. You will find Gordon ready to fall in with your wishes." He writes to Scanlen to the same effect. As Merriman explained at a later date, in replying to an attack on Sauer in the *Cape Times*, Gordon's relations with Sauer had been of the friendliest character ; but on this occasion Gordon went alone to negotiate with Letsea. He thought, whether rightly or wrongly, that certain instructions, given by Sauer at the base, had thwarted the efforts, and might have endangered the safety, of his mission. Gordon, after inspecting the forces at certain stations, came to the conclusion that he could not usefully take any further steps and shortly afterwards left for home, whence, after some stay in Palestine, he was despatched to evacuate the Soudan.

" He's a madman, he's inspired—and he'll turn us out," the G.O.M. is said to have muttered to a friend, when he gave his reluctant consent to the demand, started in the press, for this mission. Gordon, when on his way to Egypt, had emphasized the policy of abandoning the Soudan as " a useless possession." " I think," he adds, " H.M.'s Government are fully justified in recommending the evacuation, inasmuch as the sacrifices necessary for securing a good government would be far too onerous. . . . Indeed, one may say it is impracticable at any cost." That his inspiration was accompanied by a very exceptional temperament, which made his policies many and mutable, was sufficiently indicated by the impression he produced at the Cape. When, on arrival in Egypt, he proposed that the British Government should control the administration of the Soudan, with Zobeir, whom he had reason to regard as his sworn foe, as

Governor-General of the Province, the authorities were naturally perplexed ; when he decided to proceed to Khartoum and " smash the Mahdi," with the help of British and Indian troops, perplexity was no word for the situation. We need not pursue the melancholy story further. When the Mahdi's forces closed around him, and the relieving force arrived just too late, the disaster became another nail in the ministerial coffin.[1]

Gordon, when at the Cape, had seen something of Rhodes. When in Egypt, he cabled an invitation to Rhodes to accompany him to the Soudan as Secretary. Rhodes at this time was much dissatisfied with the situation at the Cape. He had written at length to Merriman, expressing his discontent. He thought the policy pursued with regard to Basutoland and the Transkei had been weak and vacillating ; Sauer, in his opinion, in his relations with the natives and with Gordon, had been shifty and tortuous ; Leonard, when a reasonable claim for compensation for a wrongful levy, advanced by an influential chief, had been referred to him, had confined himself to the splitting of legal hairs ; Hutton, the Treasurer —and on this point most people agreed with him—was not pulling his weight in the Cabinet craft.

Rhodes seems to have misapprehended Merriman's view as expressed in the House, on the subjects of Bechuanaland and the West Coast, to which I shall have to advert on a later page. " If I continue in politics," he adds, " I shall look forward eventually to being thrown with you as leader, but with the present crew I will no longer act." In a later letter he says : " Politics to me are perfectly hopeless. I shall stand again and believe I shall be returned, but I have not much heart in the matter. The remote object of taking a berth for which men like Hutton and others are equally qualified is not a very high aim in life. You have to exhibit the sorry spectacle of continually denying what you think is the right thing. I must say again it is not good enough. . . . I am

[1] The whole tragedy is fully and fairly related in Morley's *Life of Gladstone*, vol. iii. ch. ix.

looking forward anxiously to being able to stroll round the world for a couple of years, and intend doing so immediately after next session."

It was in some such mood that he received Gordon's message. Here perhaps was a chance of doing something more useful than the circumnavigation of the globe. "Now, shall I?" he said, showing the cable to Merriman. Merriman, who had had his own experience of Gordon's shifting policies and plans, reminded Rhodes of their old resolution to take up public life at the Cape as a career, and tried to persuade him that the South of Africa still required his services more than the North.

Personally, of course, Rhodes had great interests at stake, especially in the amalgamation of the diamond mines, already beginning to take shape. The new gold fields in the Transvaal, acting on the advice of an American expert, he did not then propose to touch. On the whole, however, he was dissuaded from leaving the Cape for Cairo, and shortly afterwards accepted a seat in Scanlen's Cabinet. Had he gone to the Soudan—— I can perhaps best conclude the sentence with the termination of the "Sentimental Journey."

In his references to Basutoland Rhodes does not seem to have appreciated the difficulties, between the recalcitrance of Masupha and other chiefs and the vacillations of the Colonial Office, which the Ministry experienced in endeavouring to arrive at some reasonable settlement. Gordon had failed to help. Time was running on and bills were running up. Finances were in a bad way—and the Treasurer reported that there was not a shot in the locker. The Colonial Office had objected to the confiscation of the land of the Quithing rebels, but now admitted that some such step might become necessary. Then there were the Boers in the Free State, separated from the Basutos only by the Caledon, and demanding security from the potential raids of well-armed natives, who had acquired both prestige and warlike skill in their successful resistance to the policy of disarmament. Even were the Cape to occupy a portion of the country, and

attempt to supervise the rest, there remained the problem of finding a really competent resident or administrator to carry out such a policy. Influenced by these considerations, by the representations of Sir Hercules Robinson and of President Brand, Lord Derby, who had now succeeded Lord Kimberley at the Colonial Office, at length intimated that, if the Cape Legislature passed a Disannexation Bill in terms satisfactory, financially and otherwise, to the Home Government, consent would not be refused to the resumption of responsibility for Basutoland as a Protectorate.

Merriman was sent to London to arrange the details with the Colonial Office. He arrived in June 1883, and received a copy of a dispatch which Lord Derby proposed to send to the Governor by the outgoing mail. There was some question as to points of detail, and particularly with regard to the limit of any responsibility which the Cape might be required to undertake for any short fall in revenue which, after an allocation of customs, might occur in the Protectorate. He succeeded in procuring some modifications in the draft dispatch before it was signed and sent. The necessary Bill was passed at the Cape—not without difficulty—and received the Royal Assent before the end of the year. Some question still remained as to the necessity of holding a " pitso" for ratification by the natives, and as to the steps to be taken should Masupha and other chiefs still remain contumacious. In the end, all difficulties were surmounted, and Basutoland, under the tactful administration of Colonel (afterwards Sir Michael) Clarke and his successors became, and remains, a contented and prosperous appanage of the Crown.

Mr. Gladstone's Government, when they came into power, had hoped to restrict our responsibilities beyond the seas; by an irony of fate they now found it inevitable to increase them. Difficulties had arisen in the Pacific ; in North Africa, as the result of a Conference of the Great Powers, Great Britain had to resume her exclusive responsibility in Egypt ; in the South, while taking over control of Basutoland, she was being pressed to adopt a similar course in the Transkei. The Bechuana and

Barolong tribes on the western border of the Transvaal were seeking protection from the raids of freebooting Boers ; and hints were being dropped that the plans of the Germans demanded the assertion of a sort of Monroe Doctrine over the whole coast and territory of South Africa—from Cape Frio in the west to Lourenço Marques in the East—not already in the occupation of any other European power.

Closely connected with the Basutoland entanglement was that of the future administration of the territory beyond the Kei, an area of about 10,000 square miles or slightly larger than Basutoland. The native population—a congeries of various tribes—was then about 150,000, while Basutoland comprised about 130,000. In both countries there was a mere handful of Europeans—traders, professional men, administrative officers and their staff. The natives beyond the Kei for the most part had made but scanty progress ; there was little demand for imported commodities ; and the revenue, direct and indirect, was very meagre. Disturbances were frequent, decisions of the magistrates were often disregarded.

Another Government, renewing the " vigorous " native policy of Sprigg and Upington, and supported by the Afrikander Bond, would have no difficulty in finding a *casus belli*. Scanlen and his colleagues were distinctly of opinion that the best solution would be for the administration to be resumed, as in Basutoland, by the Imperial Government. They doubtless agreed with Mill's dictum that, whatever the merits of representative government, there was little to be said for government by the representatives of others. Thus we find Merriman, in his observations on Lord Derby's draft despatch, writing as follows :

> I observe that the draft is silent on the subject of the Transkeian territories . . . but I will take leave to repeat what I have stated in previous communications . . . that, in my humble opinion, it would be to the common advantage both of the Colony and Her Majesty's Government if the present occasion were seized to effect a rearrangement of the whole of the native dependencies at the

same time that the transfer of Basutoland is effected, that such a broad settlement would be more economical and effective, and that it would avoid the possibility of any difficulty arising out of two distinct systems of native government growing up side by side.

Lord Derby, however, was not exactly the type of statesman to "seize occasion" by the hand; even when he came to the stile, he was apt to look for a way round. The Cape Government were not in a position to assure the passage of a Transkeian Disannexation Bill or even of a resolution in favour of such a course; and Scanlen, when in England later on, was inclined to think that any pressure with regard to the Transkei might imperil the pending negotiations as to Basutoland.

During the autumn Sir Hercules Robinson was on leave in England. He had begun to take a keen interest in South Africa and was in sympathy with his advisers at the Cape. There was much interesting unofficial correspondence between him and Merriman, which included several allusions to the Transkei. Thus, in the course of a long letter written in Scotland in August, he says:

> Now the question is, what does Mr. Scanlen mean to do about the Transkei? I do hope he will obtain the authority of Parliament to treat with the Home Govt. as to the transfer of those territories. I gathered from my visit to the C.O. that such a move from your side is rather looked for, and I shall endeavour to keep feeling here on this point in a receptive state. . . . I mean to return to the Cape. Having put my hand on the plough I do not intend to look back, and I fully expect to eat my Xmas dinner at Government Cottage, which I hope, if there is any money at all left in the till, you will keep in nice order. Pray continue to write to me. Your letters are most acceptable and just give me that peep into the inner life of things which one cannot get from the papers and which is most useful.

In another letter, also from Scotland, and written in the following month he says:

> In all you say about the Transkei I entirely concur. As far as the extra Colonial unrepresented native territories are concerned

responsible Government has been a complete failure. If things are to get right in S.A. the Cape must get rid of the Transkei as well as Basutoland, and for the rest carry out the fundamental constitutional principle that the majority must rule or be responsible. Until you can bring home to the Dutch party that they must be prepared to carry out in office the policy they advocate in Parliament there will be nothing but confusion and insincerity all round. I have long looked to the advent of a Dutch Ministry for a short time as a cure for many of the existing anomalies. I wish Mr. Scanlen was coming home prepared to treat in the transfer of the Transkei, but from what he tells me he seems indisposed to touch the question until after the next general election.

The Government indeed found it inexpedient to bring the question of the Transkei before the House at the same time as that of Basutoland, and had little hope of securing a majority for disannexation at the ensuing election. Their anticipation was justified by the event and the question ceased to be one of practical politics. Probably Merriman did not find this result regrettable in retrospect. The natives, with the gradual substitution of individual for tribal tenure of their land, advanced in civilization, the land became more productive and the demand for imported commodities gradually increased. It became possible to introduce, by Rhodes's Glen Grey Act and other statutes, some measure of self-government, and they were empowered to levy rates for educational and other purposes. The railway was pushed forward and the Cape system linked through the Transkei with that of Natal. The Transkei, as part of the Cape Province, returns two representatives to the Legislature of the Union. In other Cape constituencies the native vote is influential, with the result that, in any legislation affecting native rights or interests throughout the Union, their views find exponents in Parliament. Whether by such means the natives within the Union are more, or less, efficiently protected against inequitable treatment than the Basutos beyond its borders, under the stipulation of the Union Act, is a question for the future to decide. These things lie on the knees of the gods.

While the question of the eastern frontier was still under debate, other problems had arisen on the northern and north-western borders, involving the relations of the Cape with the Transvaal, and not unconnected with apprehensions of the designs of Germany. The Baralong tribes, on the western border of the Transvaal, were under the domain of rival chiefs, who, by the promise of large grants of land, had enlisted as auxiliaries a motley crew of white adventurers. Freebooters from the Transvaal, trespassing over the boundary line drawn by the Pretoria Convention, had set up little " republics " of their own, one baptized as "Stellaland " (now Vryburg) in the land of Mankoroane, and the other, which they called " Goshen," near Rooi Grond (now Mafeking), where the chieftainship of Montsioa was disputed by Moshette. The effect of these encroachments was to block the route, long used by missionaries and traders, from the Cape to the North.[1] This passage extended through the Baralong territory to the Molop, and thence, through that of the Bamangwatos under Khama, as far as Matabeleland, where Lobengula reigned supreme. The maintenance of this thoroughfare, as both Merriman and Rhodes fully recognized, was a matter of vital importance not only to the Cape but to the future of Great Britain in South Africa.

At this stage, Mackenzie, a member of the well-known missionary family, took a hand in the game and set up the Union Jack in Stellaland, while the Boers at Goshen, not to be outdone, hoisted the " vier kleur." At the request of the High Commissioner, Rhodes left Kimberley for the north and tried to stop the wagging of flags and keep open the thoroughfare ; but, with no specific instructions and no force at his disposal, he could not do much. He did indeed effect a settlement in Stellaland, but Montsioa in Goshen found it expedient to accept the protection of the Transvaal.

In one of the unofficial letters to Merriman already mentioned, Sir Hercules, writing from Scotland in August, discusses the situation at some length. He says :

[1] As to the Missionaries' Road, *cf.* Walker, 288-9.

I suppose it will end in our having to recognize these ruffianly freebooters, or the equally bad purchasers of the stolen property to whom they have sold; but I confess such a course sticks in my gizzard. It will, I fear, be such a bad precedent and such an encouragement to freebooting which will become a recognized trade. If robbers can go into the native territories, steal land, sell to speculators, and then secure annexation to some settled government in the neighbourhood, there will be no end to such nefarious proceedings. Whereas, if the scoundrels are left outside both the Colony and the Transvaal (the latter being forbidden to extend its boundary) with their lives in their hands, constantly exposed to the attempts of the natives to dispossess them—and with no saleable titles to their farms—the chances are they could not long hold the country they have appropriated, and, if they could, their position will for years be so uncomfortable that others will be deterred from following their bad example.

If we had only to deal with the Colony and the freebooters and the natives I should not hesitate to let things be, but how about the Transvaal? We may say you shall not extend your boundary, but they will probably do so in spite of our saying so, if we are not beforehand with them, and what then? Will the Imperial Government stand to its words and enforce the Convention? Certainly not—it becomes then simply a question whether Mankoroane's country shall be annexed by the Colony or by the Transvaal, and bad as both courses are the former is the least bad for the natives. . . . The more I think of the thing the more difficult do I find it to discover any way out of the mess which is free from objection and discredit, and so I am with reluctance coming round to the idea of Colonial Annexation as the least disadvantageous course now open to us.

In a later letter, Sir Hercules, who had taken Lord Derby's measure, and knew he would not maintain the suzerainty, writes:

As to the Bechuanaland difficulty, I dare say some solution will be devised when representatives from the Colony and the Transvaal meet here in October. I am disposed to think that the best settlement would be to maintain present boundaries of Colony and Transvaal, both these Govts., joining the Imperial Government in establishing a protectorate over the adjoining natives and in clearing out the freebooters. If joint action of this kind is not feasible and boundaries must be amended, then I would rather annex Mankoroane to the Colony than to the Transvaal.

In the following month he writes :

I am very anxious to hear by the next mail of the Bechuanaland debate which was to take place a couple of days after you wrote last. The cable has told us nothing about it. S.A. is very badly served by Reuter. The more I think of it the more strongly I feel that the best solution of that difficulty will be the maintenance of the existing Colonial and Transvaal boundaries, and a joint protectorate by England, the Cape and the Transvaal, over the natives. I see great difficulties in the future from any other course.

The Transvaal will, of course, object, but I think the thing could be managed ; and if it can it will save the natives ; save the Colonial trade ; save honour all round ; and dish the freebooters. Failing this, the next best, or least bad, move will be annexation to the Cape if she will have it. But will she look at fresh native responsibilities of any kind ? That is the point upon which I hope the next papers will enlighten us.

Merriman replied :

I am somewhat disquieted by Mr. Scanlen's letter [Scanlen, as well as the deputation from Pretoria, was then in London] on Bechuanaland in which he speaks of some joint action to be undertaken by the Colony and the Transvaal. If any such is contemplated due provision must be made for the very probable advent to power of a Hofmeyr-Upington-Sprigg Administration pledged *inter alia* to a firm native policy, which means under a very flimsy disguise a partition of land on the Tembuland basis, and a cordial adoption of an Africander feeling looking to the Transvaal as the great exemplar of what a state of people should be. Under such circumstances where would the Bechuanas be ? Very much I take it where the lamb was when the butcher and the wolf combined in a joint protectorate.

If we meddled at all, I think that it would have been far better for us to make a bold stroke and annexe Mankaroane and his country outright, for in that case our own selfish interests would be bound up in seeing that the country was settled after Colonial and not after Transvaal ideas. But the whole question is so extremely difficult that it is almost presumption to write at this distance in ignorance of the feelings with which the Transvaal delegates approached the matter, and I am sure that Mr. Scanlen's sound sense will have discounted the probabilities far better than I can pretend to forecast them. But I think that he sometimes is

perhaps a little cautious in taking a course which he fancies the Colony may not endorse.

Lord Derby now tried to stave off a definite decision by sending Mackenzie as a Special Commissioner to Bechuanaland. The appointment was unfortunate. Mackenzie was a *bête noire* to the Boers ; the political missionary was unpopular at the Cape ; and he scarcely seems to have been *persona grata* to the native chiefs themselves. His mission effected no settlement ; and in the end the Warren Expedition had to be dispatched at great expense. Merriman at an earlier date had strongly advocated the dispatch of Warren as a Special Commissioner. As a result of this expedition Bechuanaland became a Crown Colony, ultimately incorporated with the Cape, while Khama's country to the north became the Bechuanaland Protectorate. These developments, however, occurred after a change of Government at the Cape and must be again referred to on a later page. The Colony derived one incidental advantage from the Warren Expedition in the rapid extension of the railway from the ports—which had been delayed through lack of funds—towards Kimberley and Vryburg. The Home Government now made an advance to expedite construction. In April 1884, shortly before the meeting of Parliament, the lines from Cape Town and Port Elizabeth had met at De Aar, but were still 160 miles from the Diamond Fields.

Meanwhile, the importance attached to the encroachments of the Transvaal on its western border was enhanced by the action of Germany on the south-west coast of the Continent. Some years before this, a dispute between Great Britain and Portugal as to Delagoa Bay had been referred to the arbitration of Marshal MacMahon ; his award had gone, as such awards are apt to go, against our claim. After the discovery of the Witwatersrand Gold Fields the possession by the Portuguese of this port and the adjacent hinterland, through which Pretoria and Johannesburg could be linked by rail to a foreign port, became a factor in the situation of much importance, both political and economical.

At this time some question arose as to possible German claims on the West Coast. We find Scanlen, then in England, writing to Merriman :

I called attention to matters on the West Coast. Lord Derby thinks that the German Government has no intention of establishing a Colony in any part of South Africa, and admitted that it would not be advisable for Great Britain to allow any European power to get a footing anywhere there as on the East Coast.

In a later letter (29th November, 1883) he writes :

I entirely agree with the purport of the minute you sent regarding matters on the west coast. It backed up admirably the course I have been urging upon Sir R. Herbert, and public men with whom I came into contact, that England should at the very least go the length of saying that between Cape Frio on the west and Delagoa Bay on the east there should be a South African Monroe Doctrine, and all European powers be given to understand that it must be " hands off." Sir R. Herbert, the first time I spoke to him, coincided in this view, and I was glad to hear from him as discussed on Monday night that a despatch on the subject to the German Govt. was in course of preparation.

The position at that time on the West Coast must be briefly summarized. The North-Western border of the Colony was the District of Little Namaqualand, then deemed principally valuable for its copper mines, and now enjoying a new reputation as a repository of precious stones. It was separated from Great Namaqualand by the Orange River, which here ended its long and tortuous journey to the sea. Some distance to the North, the Cape Government had established a port at Walfisch Bay, which was administered by Colonel Eustace, an old and experienced official, as Civil Commissioner. The position at this port was very anomalous and caused many difficulties. At the request of the Cape Government, it had been annexed to the Empire in 1878, but so far had not been annexed to the Colony, and there were grave doubts as to the extent of the powers and jurisdiction of the Administrator.[1]

[1] See C. 4190, 1884 : Angra Pequena.

At this time the Germans also acquired a port, nearer to the Cape frontier, at Angra Pequena. At this spot a concession had been obtained by a Bremen merchant from a Namaqualand chief. About the same time a London Syndicate obtained from another chief a concession of a large area in the adjacent territory, and appealed to the Cape Government for recognition and support. Investigations were made, from which it appeared that the value of these concessions was probably equivalent to that of the papers to which the chiefs in question had set their respective marks. Speaking generally, under native law such persons had no right to alienate territory without the consent of the tribe which they represented. The gentleman from Bremen now began to trade with the natives, his stock-in-trade consisting mainly of gin and gunpowder. Germany, moreover, soon took a hand in the game, took over his concession and developed the port, where a German man-of-war occasionally touched. In due course, German missionaries and traders began to arrive—to spread the gospel and the trade in gin and gunpowder ; and the German Government seemed disposed to encourage these emissaries of civilization.

About this time Merriman, who, as acting Prime Minister, had been approached by the aforesaid syndicate with their concession, drafted a minute, dated 31st October, which was approved by his colleagues and forwarded to Scanlen in London, urging the mischief to the future prospects of British South Africa were Germany allowed to secure a footing on the West Coast. The minute, however, took the position that the matter was one for the decision of the Home Government, and included no offer of co-operation, administrative or financial, from the Cape. It concludes by saying :

> No attempt has hitherto been made to interfere with the claim of Great Britain to be considered the paramount power on the coast of South Africa, beyond and to the south of territory claimed by Portugal, but it seems desirable, in the event of contingencies, not unlikely to arise, that a more exact definition of the relation of the Imperial Government towards the sea-board of those territories not hitherto included in the jurisdiction of any

civilized government should take place, even if such definition only takes the form of an assertion of a right, leaving the practical enforcement of it to be dealt with as circumstances may from time to time arise.[1]

This minute was transmitted, as already mentioned, with his own concurrence and cordial support, by Scanlen. Meanwhile a definite inquiry had been received from the German Chancellor as to whether Great Britain regarded the port of Angra Pequena as within her sphere of influence. The inquiry was referred to Lord Derby, as Colonial Secretary, for investigation and report.

Poor Lord Derby ! He was not the type of statesman to " seize occasions " or " think imperially." As Sir Hercules remarks, in one of his letters at about this time :

> How strange it is that the government which came in on the platform of curtailing Imperial responsibilities should be likely to add more to them than any previous Ministry in the present century. New Guinea, South Pacific, South Africa, and last but not least Egypt, in which we are drifting into a protectorate. It is surely the irony of fate.

Lord Derby's sentiments with regard to South Africa must by now have become somewhat akin to those which Caddy Jellyby, after her protracted toil as her mother's amanuensis, entertained in relation to that Continent at large. The resumption of Basutoland had involved much haggling with the Cape as to the contingent liability of the Colony for any deficit in the cost of administration. Suggestions had been made as to taking over the Transkei as well ; a Protectorate over Bechuanaland was now proposed ; and before he had succeeded in effecting a compromise with the Transvaal, Lord Derby had to deal with the new situation on the West Coast. Here he found it necessary to ascertain whether the Cape was prepared to extend its borders and assume the responsibility of administration. The Cape Ministers were much exercised on the subject. Thus we find Merriman, in

[1] The text will be found in the above mentioned Blue Book, pp. 27, 28.

a long private letter to Colonel Eustace (18th Jan., 1884) writing as follows :

I have read your report with much interest. What a wretched country and people they must be, and yet I make no doubt that some day it will be *the* mineral country of the world, when all these Hottentot Chieftains will be forgotten. . . . In the early days I sent a minute home drawing attention to their proceedings, and impressing on the Home Government the necessity for declaring their policy with regard to the coast.

I understand from Mills that some communication had passed with the German Government, and that our Government had declared in favour of a sort of Monroe doctrine for the coast of South Africa. Last mail, however, comes a despatch hinting at the abandonment of Walfisch Bay unless we annex it. Whether this is intended to " bluff " us into doing something which at present we are averse to I don't know, but it has made me somewhat nervous, as if we abandon the Bay . . . we shall be truly restricted as regards our trade and our development.

This West Coast deserves more attention than it has yet obtained and, to paraphrase Canning, we must call it into existence to redeem our losses on the East. Hitherto the Parliament has reluctantly voted the money sufficient to keep up our connection with Walvis Bay. Whether they will do so next year is more than doubtful, but if they don't we must try for a chartered company on the model of the N. Borneo one. Anything rather than the absolute blocking of the Colony by a hostile occupation. . . . The last thing I know about the matter is that the " Nautilus," a German man-of-war under orders for China, has been ordered by cable to Angra Pequena.

As for our colonial office at home, they will never move an inch unless absolutely kicked into some course. The British statesman's chief occupation is throwing up straws to the daily press to see how the wind of public opinion is veering, and then promptly abandoning himself to the favourable gale. As for leading or sticking to any plan, that is about the last course that would commend itself to any politician to whom the destinies of our Colonial Empire are likely to be committed. Lord Derby is the weakest of men. Yet, having blundered into this Basutoland policy, he is praised as a model of firmness. . . . For ourselves, all we can do in our beggared condition is to suggest and implore, and keep on good terms with our Hottentot friends across the river.

On 6th February he writes to Captain Mills, the Cape Agent in London :

This is a very serious matter for the whole of South Africa, for a rival European power would mean endless confusion and all sorts of complications hereafter. Briefly, the position of the coast is this—Walvis Bay is annexed to the Empire and the Colony provides for its maintenance. Between Walvis Bay and the Colonial boundary the islands of Ichaboe are just opposite the harbour of Angra Pequena and annexed to the Colony, and are leased by us to the firm of De Pass, Spence & Co. It seems open to doubt whether any other points on the coast have been actually annexed, though they have at different times been visited by men-of-war whose captains have without authority hoisted the flag and done similar acts constituting an assertion of sovereignty. It has generally been understood that, from the Portuguese possessions southward, the coast was under British protection. The country itself is known to be possessed of vast mineral resources, and it will some day or another be very valuable on that account, and also as an inlet to the trade of S. Western Africa.... A German man-of-war has gone up the coast ostensibly to report, but there is reason to believe that the German Govt. are not unwilling to grant that desired protection to their subjects in which case there is nothing whatever to prevent the German flag flying, up to the border of Griqualand West and the Transvaal.

We have asked Lord Derby by minute to formally annex the coast leaving the question of the payment for the form of Govt. open. He now naturally declines unless we promise to actually annex the coast which, in the present state of our Colonial affairs, we are in no position to give a pledge about. . . . It is not as if you were asking Great Britain to spend money, for there is no opportunity of doing so. All we want is an assertion of sovereignty which she can alone assert leaving it for us to arrange the mode and provide for the expense of carrying it out when desired.

Meanwhile, Merriman, in Scanlen's temporary absence from Cape Town, had sent another ministerial minute to the Administrator, dated 30th January, which concludes with the suggestion " that, in the present circumstances of South Africa, the interests of order and civilization would be best served by the annexation to the Empire of the remainder of the coast from the Portuguese Possessions to the Orange River . . . leaving the question of the settlement of the

amount of effective control and the provision to be made in that behalf to be arranged between Her Majesty's Government and the Government of the Colony." There is a note in the Blue Book (p. 39) that, "before this was received the Ministry, of which Mr. Merriman was a member, had retired from office." This is obviously an error, as the Ministry did not retire till the following May.

But the sands were running in the glass. Germany continued to press her point as to the protection of the interests of her subjects in Angra Pequena. On 5th February Lord Derby inquired of the Administrator "whether there was any prospect of your Government undertaking the control of Angra Pequena in the event of that place being declared British, as it might be difficult otherwise to resist the representation made by the German Government that, failing other protection for German subjects there, they would be compelled to assume jurisdiction over the place." On the 10th Sir Hercules, still in London, sent a communication to Mills to the same effect.

The Cape Government seem to have felt that they had shot their bolt. On 7th May Lord Derby cabled to Sir Hercules: "It is necessary to tell German Minister what is intended by Her Majesty's Government respecting Angra Pequena and if Colonial Government desire that it should be under British jurisdiction they should immediately express readiness to accept responsibility and cost. Telegraph reply." When this cable was received Scanlen, having been defeated on a minor question, had just resigned (6th May). It was not till the 29th that the new Ministry sent a minute to the Governor, suggesting "a declaration of British jurisdiction over the coast line to the depth of five or ten miles inland from the Orange River to the boundary of the Portuguese settlements," or, alternatively, the annexation of the coast-line, with the adjacent islands, so as to include Walfisch Bay, to the Colony. This minute was in substantial accordance with those previously sent by Merriman; it contained no specific reference to Angra Pequena.

The upshot was that the Foreign Office, under strong pressure from Germany, agreed to regard that place as under German protection. It was at the same time suggested that a joint commission should be appointed to investigate the alleged rights of various claimants who had obtained concessions of land and minerals from native chiefs. Germany thus acquired a "jumping-off place" on the South-west Coast and there was no more talk about a Monroe Doctrine in South Africa. The German flag was hoisted at Angra Pequena; and German settlers proceeded to occupy as much of the hinterland as their administration felt able to control. Up to this time Bismarck had been wont to describe himself as "Kein Colonial Mensch;" it has been stated in the "German Diplomatic Documents" that "his sudden change of colonial policy was forced upon him against his will in 1884 by domestic agitation." It was in the same year than an attempt was made by Germany to obtain a footing on the Niger Delta.[1]

Shortly after the outbreak of the Great War, Dr. Holland Rose, of Cambridge, was collecting information as to the German occupation of the South-West Coast, and an application was made to Merriman for his recollections of the occurrences of 1883-4. He replied in an interesting memorandum, in the course of which he says:

In 1883 the question of the annexation of this territory became the subject of correspondence between H.M.'s Government and the Colonial Government. Some of these papers will be found in G. 70, 1884, Cape Parliamentary Papers, from which it will be seen that the German Government were by no means keen about annexation. All they required at the time the discussion began was that some civilized government should be responsible for the protection of German traders. . . . Nor was the Colonial Office, then in the hands of that remarkably cold-blooded statesman, Lord Derby. Nor was the Cape Colony, then in great difficulties

[1] *German Diplomatic Documents*, 1871-1914, ed. Capt. Dugdale, vol. i., "Bismarck's Relations with England, 1871-1890": London, 1928. According to Holland Rose (*Origins of the War*, Camb., 1914, p. 14), Angra Pequena was abandoned by Lord Granville in consideration of the withdrawal of German objections to our occupation of Egypt. See also *Nigeria Under British Rule*, by W. N. Geary, London, 1927, and *cf.* Blue-Book, Africa No. 4, 1885.

and financial straits owing to the unfortunate Basuto war, willing to enter on new liabilities of a similar nature—at least the majority of the Cabinet was not, for I personally was anxious to do so. The Prime Minister, Scanlen, was an eminently prudent man. He can scarcely be blamed, for in May-June of that year, as the result of a personal mission by myself, Lord Derby had just been induced, with great reluctance, to take over the government of the Basutos in order to relieve the Cape of a very onerous burden. In October 1883 Scanlen went to England himself to try and extricate the Colony from its financial straits. Sir H. Robinson, who was also averse to the annexation of the S.W. country, was at home on leave. I went as far as I could in pressing the British Government, and I went still further in my private correspondence with Robinson and Scanlen. Eventually I got the latter so far as to consent to assume the burden if I could get the Cape Town Chamber of Commerce to declare the importance of the step. I tried my best, but met with the most blank indifference—and there the matter rested, until, with Rhodes's assistance, when he joined the Government in February 1884, we succeeded in breaking down the opposition. It was too late. Pressed by the nascent colonial party in Germany, and meeting with nothing but indifference from Lord Derby, Bismarck signified his intention of annexing the territory, and there the matter ended for the time and our troubles began.

In two later letters, written to Mr. Dormer, Merriman recurs to the same theme. Writing in the following February, he says : " What asses we were in 1883 about German S.W. Africa, and how right I and, I think, you were on that occasion when the Colonial Office, Scanlen and Robinson let the chance, which was forced upon us, slip. I wish I could find my private letters to those worthies, but at any rate my minutes on the subject are in cold print."

Unfortunately, neither the minutes " in cold print," nor the observations made by his colleagues on Merriman's draft when circulated, indicate any difference of opinion, or any disposition, in view of " the financial straits " by which Merriman was so much oppressed, to undertake the burden of new territory in the west at the time they were anxious to be relieved of more territory in the east. It does, however, appear, if Merriman's recollection is correct, that in 1884 he

did make some attempt to reopen the matter and, after obtaining the support of Rhodes, succeeded in procuring the consent of the Cape Town Chamber. Unfortunately there is nothing to show that any further communication was sent to the Colonial Office, and, in justice to Lord Derby, it must be remembered that he sent a further inquiry on the subject to the Administrator on 5th February and a pressing cable message to the Governor, who had then returned to the Cape, on 7th May. But when the last cable arrived, Scanlen had just seized occasion to beat a precipitate retreat, and, by the time Upington and his colleagues had reconsidered the matter, the die was cast and their offer came too late.

Although there was much in the surrounding circumstances to give them pause, and especially in the financial position, it is regrettable for many reasons that the Scanlen Ministry confined themselves to a protest against the German inroad. Had they felt able to take over the administration of the whole coast-line, including Angra Pequena, one result would have been that the indigenous population would have escaped much ill-treatment. Whatever may have been the case in East Africa, the conduct of the German occupants in the West amply explains and justifies the repugnance felt on that Continent to any future exercise by Germany of mandatory powers in similar cases. In addition, it became possible in later years, as Merriman had foreseen, for German forces advancing to the bank of the Orange River, combining with Boers proceeding through Bechuanaland, to become a menace to Griqualand West and a barrier to the northward expansion of the Cape.

Happily, when the Great War began, we reaped the fruits of the bold and sagacious policy of Campbell-Bannerman. The Boer leaders remained loyal ; a rebellion in the Transvaal was suppressed by Botha and Smuts ; the German invasion was repulsed and their territory invaded and annexed. Since the Treaty of Versailles the country has been administered, under the mandate of the League of Nations, by the Union Government. Its inhabitants now enjoy some

form of representative institutions. There have doubtless been errors of judgment ; there, as elsewhere, points have arisen for the consideration of the Mandatory Committee of the League ; but on the whole the development of the resources of the country, both agricultural and mineral, has proceeded apace, and the composite population—British and Dutch, German and native—seems to be pursuing, though not without intermittent friction, the path of peaceful progress.

Throughout their tenure of office the Scanlen Ministry had found the financial position a constant anxiety and obsession. Some two millions had been squandered by their predecessors in pursuit of a " vigorous " native policy ; and the position in Basutoland still required continuous expenditure. Elsewhere, there were various commitments to meet—such, for instance, as those for the erection of the Houses of Parliament —and there had been a serious shrinkage of revenue from railways and customs. At Kimberley a great fall of reef had suspended mining operations and induced some scepticism as to the permanent productivity of the mines, where plans for the amalgamation of small holdings, and sinking shafts for working the deeper levels, had not yet matured.

It became clear in 1883 that it would be necessary to raise a loan of some five millions in the London market ; and fears were entertained that a very high price would have to be paid for such accommodation. In the latter part of the year the subject was one of constant correspondence between Merriman at Cape Town and Scanlen and Mills in London. In this discussion Hutton, the Treasurer, seems to have taken little share ; at this time he was fighting a losing battle for his seat in the Legislative Council. Since responsible government, the financial arrangements of the Colony in the City had been transferred by the Crown Agents to the firm of Barings, whose management had been deemed unsatisfactory. It was now thought advisable, for the purposes of the loan, to part with that firm with as little friction as possible. Some idea was entertained of approaching the

Bank of England ; but in the end it was decided to place the financial business with the London and Westminster Bank. The prospectus appeared at the beginning of December ; it was a 5 per cent. Loan on the " 10-40 " principle, issued at a minimum of 98. On the 29th November Scanlen writes to Merriman :

Our credit is at a fearfully low ebb . . . we are completely at the mercy of the city men and they are not slow to take advantage of our necessities. You were no doubt shocked at the minimum prices quoted in my cable. So should I have been had I been on the other side, but I assure you we cannot do better. I know how difficult it will be to get my colleagues to realize the position, and I quite despair of getting it understood by the public. I can only repeat what I cabled as to restricting expenditure to the lowest limit. No more money will be got on this side for a long time to come and with four millions spent in advance out of our £4,900,000 I do not know how we are to come out. . . . I have been so full of this financial trouble, spending day after day in consultations and negotiations, that I have had little time for anything else. This financial business eclipses everything else, and will need the earnest efforts of every good man in the House to pull the Colony through.

Scanlen's letter crossed one from Merriman to Mills (12th December), in which he says :

We are waiting with some anxiety for the 18th to know how the loan goes off. . . . The revenue keeps distressingly low, and the country is simply unable to bear taxation. Wholesale retrenchment *must* be resorted to, and a most unpleasant task it will be. . . . I need not tell you what a very difficult task practising economy at election time is. . . . We might cry, after Augustus, " Sprigg, Sprigg, give us back our millions." I only wish I felt sure that no more money was to follow on the same bad road.

It was, however, a long way from the Augustan to the Victorian age. Sprigg certainly had no idea of following the precedent of Varus. On the contrary, he looked forward, with a confidence partially justified by the event, to raising more millions in the future, to be expended on public works to benefit the constituencies—and thus increase the popularity of " the Sprigg Ministry of the day."

At length the critical day arrived. The tenders were opened and it was found that the loan had been over-subscribed. Scanlen writes on 19th December :

> After being on the " gridiron " for four or five months I write with relief now that our loan has been disposed of, and the predictions of failure which were made up to the morning that the tenders were opened have been falsified. Stewart [the Bank Manager] told me as late as noon on Tuesday, that so far as he could gather from city men who had been calling we might be prepared for about two millions not being taken up. This would have left us in a very awkward position as we should barely have had funds to meet our temporary advances here, and our credit would have been so seriously impaired that it would have been impossible to borrow in anticipation. We shall be obliged to keep out of the market here for at least two or three years to enable our stocks to recover and restore confidence to the market.

As soon as the money had been raised, the critics at the Cape, the politicians and journalists, who had predicted failure, changed their tone, and complained that the terms had been too favourable to the investor, " forgetting, of course," as Merriman observes to Mills, " that the mere fact of the issue being subscribed in itself establishes the credit of the Colony. For myself," he adds, " not at five nor at six per cent. would I invest in Cape securities until there is a great deal more guarantee of stability than we have at present. It will be an enormous strain to pay the interest when borrowing ceases. It will tax all our energies, and a false step will mean ruin, and yet, to judge from press and platform utterances, false steps are only too probable. The revenue returns are deplorable, the volume of trade has contracted, and the shrinkage is felt in every department." In later years he was wont to attack Scanlen for having paid too much for the accommodation. The correspondence, however, indicates that they were acting at the time in full agreement and that he was by no means dissatisfied with the result.

The Treasury had got its millions, but the Colony had lost its Treasurer. Mr. Hutton, having failed to secure re-election

in the Council, resigned his office and his place was filled by Cecil Rhodes, of whom Merriman, in a letter to Mills, dated from Kimberley in March 1884, writes as follows :

You will see that we have taken Rhodes into the Ministry. He is a man barely 30, but of the greatest talent and originality, and I look on him as by far the most brainy man in South Africa. I may add that he is a personal friend of my own. You cannot imagine a greater antithesis to his poor old predecessor. He is a man of much wealth—made up here—and a graduate of Oxford. Not much of a correspondent but with a surprisingly good head, especially for figures, and great industry. I, but perhaps I am partial, think that we have added real strength to our Ministry, though, on the face of the brute force exercised by the Dutch vote, it is doubtful whether any amount of talent would do much good in stemming the tide, but we shall see.

It seemed unlikely, indeed, that Rhodes's tenure of office would be prolonged. The elections for the Assembly were at hand ; the result would probably resemble that of those for the Legislative Council. The programme of the Ministry—disannexation of territory and rigid retrenchment in all departments—was scarcely likely to meet with a favourable reception. The anticipation was justified by the event ; and Scanlen was disposed to follow the precedent set by Disraeli in 1868, and adopted by Gladstone in 1874, and resign forthwith. Merriman opposed this course. He argued that while in England the result of the polls afforded a clear indication of the balance of votes in a new House, in the Colony there was no such clean-cut division of parties, and that the Government of the day, *quâ* Government, was apt, when Parliament assembled, to find more support than had been anticipated. Merriman's view prevailed and in April he writes again to Mills :

We have, I am glad to say, decided to meet Parliament and to fight our policy, so that if we fail we leave something on record. . . . We are in the thick of the budget, the new Treasurer working up to the collar. Cut down as we may, there is an ugly gap of £500,000 between revenue and expenditure, which must be bridged somehow, and it is an awful thing to contemplate taking

£500,000 more from the spending power of this impoverished country.[1]

However, when Parliament met, and notice had been given of the ministerial proposals, there seemed little prospect of their adoption. Hofmeyr, whose following had been much increased at the election, objected to abandoning the administration of the Transkei and was in general agreement with Sprigg and Upington. The Government accepted defeat on a minor issue, and Rhodes, like Lord Randolph, was a Treasurer who never produced a Budget.

The actual position as to the Transkei was then somewhat anomalous. An Annexation Bill had been passed in 1880, but the assent of the Crown had not been received within two years and the measure had therefore lapsed. The delay was attributable to the omission from the Bill of certain provisions contained in Letters Patent, which had not arrived when the Bill was transmitted in the usual course. The Government now proposed to inquire whether the Imperial Government was willing to resume direct control, and if so on what conditions.

As soon as the Session began, an objection had been raised by some of the wine-farmers to the recent repeal of a certain Proclamation prohibiting the importation of all manner of plants and vegetables as an additional security against the accidental introduction of phylloxera. There was cogent evidence that the vine was the only plant that this pest patronized on its travels and the sweeping character of this Proclamation was causing serious loss and much inconvenience. It was really a departmental matter, on which Scanlen offered a Committee of Inquiry ; but the anxieties of the wine-farmers enlisted much sympathy, and a resolution for the immediate cancellation of the new Proclamation, and the destruction of all plants imported thereunder, was carried

[1] The language then used about what now seem very small amounts cannot but strike the reader of the present day as exaggerated. This, I think, was about the time when Childers, as Chancellor, informed the House, in awe-struck tones, that the Budget for the year reached the huge figure of a hundred millions !

THE SCANLEN CABINET IN 1884
MERRIMAN, SAUER, LEONARD, RHODES AND SCANLEN

against the Government by a large majority, including many of their own supporters.

That Scanlen's decision to treat this vote as a vote of censure was arrived at without any previous consultation with his colleagues seems clear from a letter from Merriman to his correspondent at Kimberley, in which he says :

I write amid the crash of empires. The Government is in full retreat amid, I venture to say, the ridicule of the Colony. What impelled Scanlen to join his fortunes to that ill-fated bug I know not, nor does anyone else. He knocked his wicket down if ever a man did and has plunged the Colony in confusion to satisfy a mere whim. I write sorely as I feel very sore, for I think that in the Transkei we should have scored and Rhodes would have made a great success with his budget. Tell old George [1] that he has more than justified the anticipations of his friends by his steady work and excellent head ; it is really a loss for the Colony to lose so good a Treasurer-General. We are now on the tiptoe of expectation to know who the incomers are to be. Rumour speaks of a Hofmeyr, Upington and Sprigg coalition.

[1] Mr. George Paton, at one time Rhodes's colleague in the representation of Barkly West. Merriman usually refers to him as " Uncle George." He was regarded as an authority on agricultural affairs.

CHAPTER VII

MINISTRIES OF UPINGTON AND SPRIGG

Upington forms a Ministry—Situation in Bechuanaland—Warren's Expedition —His dispute with Rhodes—Bechuanaland a Crown Colony—Merriman at Kimberley—Amalgamation of the Mines—Sprigg becomes Prime Minister, with Upington as Attorney-General—Merriman on the British Empire and its future development—Views as to the celebration of the Queen's Jubilee—A visit to the Transvaal and speculation in gold mines—Views as to Delagoa Bay—Accepts mining appointment on the Rand—Resigns and resumes politics at the Cape—Rhodes and the Chartered Company—Merriman joins Rhodes in defeating Sprigg's railway policy—Fall of the Government.

As anticipated by rumour, the Governor, who thought it would be advantageous for the Bond to accept the responsibilities of office, did send for Hofmeyr, who, after consulting his friends, declined to form a Government. He suggested that Upington, who was then more in the confidence of the Dutch element than Sprigg, should be invited to do so. Upington accepted the commission, but stipulated for the inclusion of Sprigg in the Cabinet, and Sprigg accordingly succeeded Rhodes as Treasurer. Not long afterwards, he again became Premier, Upington retaining the office of Attorney-General, a combination which lasted till 1890. At the Cape changes of Ministry have been much rarer than in Australia ; during the long period from Responsible Government to Union (1873-1910) there were only eleven Ministries and only eight Prime Ministers. Since Union (1910-1930) there have been only two Ministries and only three Prime Ministers.

Upington, in his statement of policy, expressed his views as to the treatment of native questions in a manner to which no exception could be taken, and laid down that the retrocession of colonial territory was inadvisable except in special circumstances which did not then exist ; it was therefore proposed

to legalize the administration of the Transkeian territories. In the subsequent discussion Scanlen alone represented the view of the former Government and the motion was carried without a division. "I hold," said Upington, "that the proposal to hand over this territory to the Imperial Government has been wiped out of the region of practical politics." For the rest, he intimated that the attention of the new Ministry would for the nonce be mainly concerned with the difficult duty of balancing the financial position. Apart from this their first concern was the problem of Bechuanaland, as to which so much has already been written that the briefest *résumé* must here suffice. Lord Derby's expedient of appointing Mackenzie as a Deputy Commissioner for that territory had proved, as Merriman had foreseen, a failure; the disputes as to land concessions remained unadjusted; and the Boer adventurers, in their new republics, straddled over the line of communications from the Cape to the north.

On this question Sir Hercules, as has already been observed, while absent on leave, had frequently corresponded with Merriman, and had also, since his return, conferred with Rhodes. In fact, after the change of government, the current talk at the Cape was that while His Excellency, *quâ* Governor, took the advice of his Ministers, in his capacity of High Commissioner he lent his ear to the Opposition. On receiving a representation from the Ministry as to the advisability of superseding Mackenzie, Sir Hercules assented —and appointed Rhodes his substitute. Rhodes succeeded in completing an arrangement in Stellaland, where Mackenzie had already secured the acceptance of the British flag; it was now provisionally agreed that Mankoroane's country should be placed under Cape control, with an Administrator stationed at Vryburg.

In the land of Goshen, the problem was more difficult. Montsioa, in his feud with a rival chief, had sought the protection of the Transvaal, who sent General Joubert to administer his country. Shortly afterwards Joubert was replaced by one Du Toit, who proceeded to issue a Pro-

clamation annexing Stellaland to the Transvaal. This ill-advised step caused a great disturbance. Upington and Sprigg both hurried to the spot, but their intervention failed to improve the situation. Acting under the influence of Hofmeyr, they conceded most of the claims of the Boers, and their reception, on their return to Cape Town, was far from cordial. Kruger, however, by now had realized the gravity of the situation ; fearing the loss of all that had been gained by negotiation in England, he betook himself to Rooi Grond to " damp down the trek."

But much feeling had now been aroused. Large meetings were held at the Cape, and stirred by the eloquence of Leonard, an " Imperial League " was formed ; and Merriman declaimed against the Bond at Grahamstown. The agitation spread to England ; Exeter Hall, and politicians like Forster, with " imperial " views, took part in the movement. The upshot was that Lord Derby, who, by a little firmness at an earlier stage might have adjusted the dispute at small expense, had now to concur in the dispatch of Sir Charles Warren, with a considerable force, to clean the slate. The dispatch of Warren had been advocated by Rhodes, who had met him during the rising of the Korannas, and also by Merriman. But when the expedition arrived, many of his proceedings failed to meet with the approval of the High Commissioner. On reaching Kimberley, he had a sharp contention with Rhodes as to the position in Stellaland, where Warren at first approved, and afterwards disallowed, the settlement which Rhodes had made.

Merriman, who was then at Kimberley on the business of the Mining Board, did his best to appease the dispute. In the course of a letter to his wife he observes :

> Sir H—— was annoyed at the Bechuanaland settlement slipping out of his hands, and he thought that he would, by sending Rhodes up to act as a sort of check on Warren, secure his share in the settlement. Any one with any experience must know that setting two men—one a civilian and one a military man—to do one man's work must end in failure, and so it has. Rhodes is much

more amenable to reason since my visit, I never contradict him, but by talking to C. and to me he finds out that we think he has made a mistake, and the only people who approve of his slashing onslaught in the *Argus* are the Bond. Unfortunately the Bond are a power, and C. will have it that Rhodes is playing for the Premiership with their assistance. I do not think so, but the temptation is a very strong one. When I think that it was a cablegram from Rhodes and Leonard that set the whole affair going, I am the more disgusted that things should have turned out so very badly.

Merriman's correspondence on this subject with his friend "C." at Kimberley is very copious and one or two brief extracts must here suffice. Writing from Cape Town in February 1885, he says :

What a dreadful mess this quarrel of Rhodes and Warren is. Rhodes has given the Mole sailing instructions to assault Warren and expressed his own intention of fighting him to the death. . . . I shall be slow to believe that Warren has changed his whole nature and now tries to pick a quarrel with a class with whom he has always been popular, but I can quite imagine that the truckling which has taken place has been utterly distasteful to him. . . . But I am very grieved about Rhodes. . . . A more egregious blunder than forcing him to go back as the Governor's man after Warren was appointed was never committed, and for this Rhodes is in no way responsible. . . . Do see him and advise him. He may take advice from you, he resents it from me and imagines that I am in some way hostile. I have done what I could, hoping against hope to keep the peace between him and Warren. . . . I see plainly that everything is being done here to crab Warren and defeat his chance of success ; and if this sort of thing succeeds "the Bond wins."

In a later letter he writes :

As far as the general interests of South Africa go, it is most important that there should be a burial of the hatchet and some kind of *rapprochement* between Warren and Hercules. It is deplorable to see the best interests of the Empire in this part of the world wrecked through personal squabbles which I verily believe have their origin in the intrigues of understrappers. The Governor is exclusively an official, honest and straightforward, but with no originality. Warren is a masterful man and his singlemindedness gives him a hold on people which the other will never have. If

you can do anything with Warren to smooth the way for a *modus vivendi* it would be a most valuable thing.

In the end the tangle was straightened out as well as circumstances permitted. Warren occupied Rooi Grond without overt resistance. The Transvaal authorities retained the concessions their deputation had gained in London. The suzerainty was dropped and the " Transvaal State " became the " South African Republic." The Batlapins and Baralongs were left in possession of as much of their land as, after all their tergiversations and alienations, it was still possible to preserve for them. Warren's proceedings, however, had provoked so much antagonism, not only in the Transvaal but at the Cape, that the Colony declined to extend its border. Their territory therefore became a Crown Colony, while a Protectorate was established over that of Khama to the north. A barrier was thus interposed between the Boers of the Transvaal and any advance the West Coast Germans might project through Damaraland ; while Rhodes had the satisfaction of preserving the thoroughfare which was indispensable for his scheme of expansion to the north.

Meanwhile, the financial situation of the Colony caused much anxiety. Sprigg must often have regretted his Basutoland adventure and the vanished millions. As Merriman had foreseen, he found himself faced with a deficit of half a million, with the prospect of a similar short-fall in the next financial year. He had to adopt some proposals for an excise which Rhodes had been incubating for his budget, but they were a good deal whittled down to meet the objections raised by Hofmeyr. Some additions to the customs were insufficient to meet the gap. Strict economy, reductions in establishments and cheeseparing in salaries, became the order of the day. Fortunately, however, as on a previous occasion, when public finance was at a low ebb, the discovery of the diamond fields had come to the rescue, so now the development of the gold fields in the Transvaal acted like a tonic on the Treasury, and public credit, with increasing customs and railway revenue, gradually improved.

On Merriman's retirement from office, the reputation he had made in the Scanlen Ministry led to his services being requisitioned in more quarters than one. Not the least important came from the diamond fields, where it was now realized that some consolidation of the various interests was essential to the satisfactory development of the industry. We find Mr. J. B. Robinson, who was specially interested in Dutoitspan, suggesting that Merriman should be requested " to act as arbiter between the various holdings." A necessary preliminary was to arrange for the liquidation of a heavy debt, amounting to several millions, which had been incurred by the Mining Board and was now in the hands of the Banks. On the invitation of the leading Banks, Merriman went to Kimberley as their representative. After a good deal of negotiation, the various parties concerned agreed to adopt his proposals, and he received the cordial thanks of his principals for his services.

In a letter to the Manager of the Standard Bank, he describes his main object as " being, as you are aware, to obtain *locus standi* for dealing with the larger question of amalgamation." The negotiations for that purpose, however, fell into other hands. In the end it became clear that the solution, as between the principal mines, would hinge on an understanding between Rhodes, as the representative of De Beers, and Barnato, who had acquired control of the principal companies at Kimberley. The shares of these companies advanced by leaps and bounds ; but, while the proprietors at Kimberley began to take their profits, those at De Beers stuck to their holdings. Rhodes thus acquired sufficient voting power to be able to approach Barnato with the big battalions at his back. The upshot was an agreement under which the De Beers Company drew their famous cheque for over five millions for the purchase of the Kimberley Central Co. Barnato was to control the marketing of the joint production, while De Beers was to be re-constituted as a new company with the widest powers, which Rhodes afterwards utilized for promoting his schemes for expansion to the north.

With this among other objects it was important for Rhodes to keep in touch with Hofmeyr and his voting power in the Cape Parliament. As has been seen, Merriman, in a letter from Kimberley, referred to rumours of such an alliance. On his return to the Cape he found that Scanlen held somewhat similar views. Scanlen must have felt that, after Hofmeyr had left his cabinet mainly owing to Merriman's attitude to the Bond, and his opposition to the use of the Dutch language in debates, there was little prospect of their associating in the future course of politics. There is an entry in Merriman's diary in the following May in which he writes : " Had a conversation with Scanlen who expressed a sense of estrangement and told me that certain Dutch members had last session declined his lead on account of my being connected with him. I informed him that I was ready to support him as before, and to support his government if he got one, but that I could not take office under him again, giving as reason the Angra Pequena business—he seemed much relieved." This reference to Angra Pequena, together with the extract already cited from his later letter to Dormer, certainly seems to suggest that at one time Merriman was inclined to take steps for controlling that port to which Scanlen had demurred, although the papers now available afford no indication of any such difference.

Merriman continued to take an active share in the work of Parliament ; but he must have felt that in all the circumstances his political future was obscure. It is therefore scarcely surprising that he should again have entertained the idea of finding some other sphere for his activities. At the beginning of the following year, he was again in Kimberley and again concerned with difficulties which had occurred in the administration of Bechuanaland. In a letter to his wife, written in January, we find the following passage :

> Rhodes had a long talk with me this afternoon. He wants me . . . to go home and join him in the British Parliament to form a Colonial party. He is quite hot on this. How charming it would be for both of us. It would repay you for your nervousness and me for my hot and weary sojourn.

He had again been spending some time, in the trying heat of summer at Kimberley, in amalgamation plans which were still pending in connection with the Dutoitspan Mine, in which J. B. Robinson was largely interested. This was not the only occasion, as the writer happens to know, on which Rhodes sought to arrange with some practised speaker, conversant with South African topics, to find a seat in the House of Commons and support his schemes for African development and imperial federation. At this period it seemed probable that Parliament would for some time be engrossed with the topic of Home Rule for Ireland ; and Rhodes's feelers failed to attract response.

Shortly afterwards a vacancy occurred in the Governorship of Natal, and Merriman seems to have written to Sir Hercules, who was then at home on leave, to ask whether he would sound the Colonial Office in the matter. He received the following reply :

My dear Mr. Merriman,—Upon receipt of your note I at once went to the C.O. to see what could be done to advance your wishes. I saw Meade and afterwards Herbert on the subject. They really run the concern now. The first seemed much impressed with the idea and thought your appointment to Natal would be an admirable one, and give the Government that strength in the Legislative Council they so much required. Herbert also viewed very favourably the desire expressed by you to exchange political for permanent Colonial employment. He said the service would be most fortunate in securing a person of your calibre and experience—so far above what they can usually induce to accept Colonial employment.

But after taking a week to think it over and perhaps talk it over with someone else, he decided against the appointment to Natal as he thought the Natalians would resent a Cape politician being sent to them and we should have another row. He, however, promised to bear your wishes in mind if any opening arrived in any other direction, and I should not wonder at all if something came of your proposal. I need not tell you that I did my best for you, and at Meade's request I left your note, which I thought an admirable one, with him for confidential use if required.—Hercules Robinson.

One would have supposed that it would have occurred both to Merriman and Robinson, as it evidently occurred to Herbert, that public men in Natal would scarcely be likely to welcome as a Governor a politician, however distinguished, from an adjacent and in some respects rival Colony. At the close of the year a vacancy arose in Mauritius, as to which Sir Hercules informed Merriman, who was absent from Cape Town, that he had, apparently spontaneously, made a suggestion to the Colonial Office. In this direction, however, nothing materialized ; the fact, I take it, is that when any important post has to be filled, there are too many officers in the employ of the Department with just claims for promotion to make it easy to pass them over for any "outsider," however capable.

The political situation at the Cape, during the first three years of the Parliament of 1884, may be briefly summarized. Upington, with the support of Hofmeyr and his adherents, had little difficulty in carrying on. Rhodes, for reasons already indicated, was disposed to act with Hofmeyr. The Opposition was ably led by Merriman and Sauer, who in this Parliament had found a valuable recruit in Rose Innes, a rising advocate at the Cape. Upington's position, owing partly to bad health and partly to certain financial embarrassments, which unfortunately became notorious, was one of increasing difficulty. He could not afford to neglect his private practice, and the combination of the Premiership with his other avocations in the end became impracticable. Meanwhile Sprigg had improved his relations with the Dutch members ; and when, at the end of 1886, after representing the Cape at the Colonial Exhibition, he returned as Sir Gordon, he became for the second time Premier, Upington retaining his office of Attorney-General.

Meanwhile Merriman was still, after some 17 years in Parliament, looking out for some definite employment for his time, which would assure him a reasonable income. He had held office in all for about six years ; but the salary of a Minister was a very modest one and as a private member he

received no payment. There were certain travelling and subsistence allowances in which, as a resident in the Cape Peninsula, he did not participate. Under an Act of 1888, local residents received an allowance of £1 1s. for each day of actual attendance.

He must have found it irksome to be so largely dependent on the private income of his wife. At this time we find him writing to his mother : " I feel very unoccupied and depressed at my own prospects. Think what a fool I have been to waste my best energies and the best years of my life on politics and public life. I have made up my mind to apply for and take the first decent place in any habitable part of the world. But ' he that will not when he may '—and practical folk look very shy on anyone who has taken a leading part in political life." This last observation would certainly at the present day require some qualification. In the City, at all events, there seems to be much demand for the services of retired officials and politicians. Merriman himself, in later years, drew a comfortable addition to his income from his Directorship of the leading Life Insurance Company in South Africa, of which he subsequently became the Chairman.

This was a period in which Merriman, free for the nonce from official responsibilities, displayed considerable literary activity. In 1885 he delivered at Cape Town an interesting lecture on " the formation of a nation." He began with a reference to " the great coming struggle " between two opposing principles, that of the Germans under Bismarck representing autocratic government, and that of the British nation under Gladstone, representing government by the people. In later years he probably realized that the ambitions of Bismarck had been tempered by prudence, and that it was not till the pilot had been dropped that the German pretensions to hegemony had become a serious menace to civilization. With a view to the maintenance of the British Empire, he discussed the federal solution in terms in which we may trace the influence of his correspondence with Goldwin Smith. He proceeded to suggest the formation of a League

of States, under the primacy of Britain, in which the Colonies should make a fair contribution to the maintenance of the Navy and acquire a voice in the shaping of British policy in foreign affairs. After glancing at some of the difficulties—such, for instance, as the government of India—and referring to the relations of the Roman Empire with its dependencies, he deprecated concentration on the material development of our industrial resources. "We would fain believe," he concluded, "that it is not her boundless wealth, nor her mighty Empire which girdles the globe, nor her fleets which cover every sea, which make Great Britain the first among the nations, but because, in spite of all her faults, and all her mistakes, she sets before her citizens the lofty ideal of justice tempered by mercy, of freedom, not as a selfish possession of the privileged few, but as a boon to be handed on to all with whom she is brought in contact; and of duty to the State for duty's sake and not for material reward." He developed his views on this subject at greater length, showing how serious were the obstacles to any practical scheme of federal union, in an article on "The Closer Union of the Empire," published in the *Nineteenth Century* in April 1887.

1887 was the year of the Jubilee of the Queen; and it is therefore not surprising to find Merriman delivering, before a Cape Town audience, a suggestive address on the Victorian age. After referring to the development of self-government in the Colonies, since the foundation of Victoria in 1837 and the Durham Report of 1839, and the expansion and industrial progress of the Indian Empire, he discussed the material progress of England in population, wealth and means of communication. He dwelt specially on the railways with which England had covered not only her own land but every quarter of the world, and the remarkable developments of steam navigation and submarine telegraphy. He could scarcely have foreseen the days when communications, both by land and air, were to be revolutionized by the discovery of the internal combustion engine, and submarine telegraphy would find a formidable rival in the inventions of Marconi.

He spoke at length on the advantages derived from the spread of National Education and Free Trade. He referred complacently to the increase, under Forster's Act, of the educational grant to over four millions; what he would have thought of the expenditure of the present day—amounting in the aggregate, I suppose, to about a hundred millions—we need not pause to conjecture. As to Free Trade, Disraeli, long before this, had confidentially informed one of his followers that Protection was not only dead but damned; neither he nor Merriman could have anticipated later proposals for reforming tariffs and safeguarding industries. Merriman also laid stress on the rise of economic co-operation and, without ignoring the perils of "the sway of demos," spoke hopefully of the British race and the ample testimony that the performance of duty for duty's sake still remained its highest ideal. Altogether, an address which was appropriate then and may still be profitably perused.

For many years it has been the practice of the writer to preserve such of the letters he received as appeared, owing to their subject matter or the personality of the correspondent, or both, to be of more than ephemeral interest. While engaged on this biography, I naturally turned to the initial "M" in my cabinet, where I found, as I anticipated, some letters from Merriman, of which the earliest dates from this period. At Kimberley, as elsewhere, a Committee had been elected to arrange for participation in commemorating the Jubilee of the Queen. The first thing was to collect funds for the purpose and then to decide as to their appropriation. While the claims of various local institutions were advocated by their representatives, I ventured to suggest that we should best demonstrate our loyalty to Her Majesty by devoting some portion of the amount available to some object not merely local, such as the proposed Imperial Institute, in which the Queen herself had shown a special interest. I proposed therefore that £500—a sum which would constitute the subscriber one of the founders—should be contributed to the Institute.

This proposal was adopted, though not without considerable opposition, with which a letter received from Merriman showed he was in sympathy. " I see," he wrote, " that you were trying to whip up some enthusiasm for the Imperial Institute. I think that undertaking will be in theatrical language a ' frost.' It seems to me to be the very embodiment of the ' shoddy materialism' that sees nothing admirable in the English nation but the size of its empire and the trade value. I wonder that so sound a radical as yourself is not frightened off by the very name ' imperial.' How long do you suppose Great Britain will exercise ' imperial ' rights over self-governing colonies ? "

I find that he developed his objections to this project in a confidential letter to the Governor, in the course of which he says :

> There is a matter on which I should like to have your counsel and advice. I daresay you have noticed the proposal to commemorate the Queen's " Jubilee " by a so-called Imperial Institute, and perhaps you have been as much puzzled as I confess that I am in trying to ascertain what the Institute means—whether it is to be a place like the Colonial Exhibition . . . or a sort of gigantic bazaar and sampling room or a place where third-rate colonists may deliver themselves of disquisitions on fads. In no case will the institution be a worthy memorial of a great occasion. Even the very name " Imperial " will probably in a few years cease to be applicable to the relations of those countries which now make up, what is justly enough called the British Empire, and as far as the project has now gone it seems to belong to the class of those which are truly enough said to " begin in a peak and end in a botch." One thing alone is certain, and that is that we shall be called upon to contribute a large sum. I notice that other Colonies have already promised and, upon the well-known principle that " we cannot stand out if others join," we are pretty sure to follow suit. It seems deplorable that cash and enthusiasm should both be wasted upon an object which seems to have no chance of success, and even if it had any, to be a vague and unworthy memorial of the occasion.

He then proceeded to make an alternative suggestion for the foundation and endowment of a College at Oxford or

Cambridge and added a brief statement of his reasons. This proposal was open to obvious objections, on which I need not dwell. It was not taken up, and the Institute held the field. I will not delay the reader by discussing, or qualifying, Merriman's reference to my own political views. I will only add that there have been times and phases in the subsequent history of the Institute in which I felt that there was considerable force in his prediction ; I still, however, adhered to the view that in commemorating the Jubilee we should be largely guided by the Queen's own wishes on the subject. As a matter of fact, the Institute has proved serviceable in various ways and to a certain extent afforded a basis for the great Show at Wembley. It is now giving useful help, as a repository and exhibition, to the association for promoting the market for the productions of the Empire, such as tobacco. It is an interesting fact that during the last two years, with the assistance of a small preference in the customs, the imports of tobacco from South Africa have more than doubled, while there has been a corresponding decrease in those from the United States. We are heavily indebted to America and have made large loans to the Dominions ; if only from an economical standpoint, any institution which can stimulate mutual trading between Great Britain and her customers in the Dominions is clearly performing a useful function.

Promotion had not come to Merriman from the East, in Natal or Mauritius, or from the West, in the House of Commons ; it now seemed possible that he might improve his prospects by a pilgrimage to the North. The recent discovery of new and extensive gold reefs in the Transvaal had led to new developments in the question of railway extension and other methods of promoting intercourse between the colonies and the republics. It was a time of many " concessions." Kruger, with his advisers from Holland, was anxious to assure his independence by linking up his capital with the coast by means of a railway to the Portuguese port of Delagoa Bay. Other concessionnaires, such as the firm of

Lewis and Marks, and a " Syndicate " in which Joubert was interested, had other and wider schemes in view. It was the latter body which sought to enlist the support of Merriman as their representative at the Cape.

He received several letters, going into much detail as to possible alternatives, but does not appear to have kept copies of his replies. He visited Johannesburg in connection with these proposals, but the other interests in the Transvaal seem to have proved too strong for the promoters to make any headway. While these matters were being discussed, he received a letter from one of the promoters, referring to the discovery of " an enormously rich reef " in the Zoutpansberg District, with a request to treat the information as strictly confidential. The upshot was that he left for Barberton at the beginning of the year, starting from Kimberley, then the railhead, by coach for Johannesburg on 16th January, with the thermometer soaring to 100 in the shade. Of the discomforts of this journey he gives a vivid description in a letter, in the course of which he says :

We went through Christiana and Bloemhof. They have twenty houses each (I counted them) and present an indescribable picture of squalid misery, though they are both on the banks of the Vaal and might be, perhaps will be some day, veritable gardens of Eden. At Christiana I thought I would make some inquiries about the post and visited the public offices, where I was received with an amount of official hauteur that took the small change out of me. The landdrost, an old red-nosed Hollander, apparently in some stage of delirium tremens, and his clerk, gave me a proper snubbing. Fortunately a bystander, who seemed to be just recovering from a drinking bout, gave the required information, and we retired from this, the great centre of the I.D.B. trade, sadder men, thanking our stars that Providence had not cast our lot in a small country town in this great Republic. Far and away the most interesting sight on the road are the droves of natives going to and from the Diamond Fields, hundreds both ways, the former limping along in all sorts of nondescript rags, sometimes perfect skeletons, the latter fat and jolly, with their packs of goods and umbrellas and actually one party making the journey on horseback.

Neither Christiana nor Bloemhof has yet become a garden of Eden. The latter will be remembered in connection with the Keats Award and the recent disturbance when General Smuts—who had offended the prospectors in a " new rush " by his attitude in Parliament—attempted to hold a meeting there on the question of the flag. At Christiana there resided a duly licensed digger. Many rough diamonds, stolen at Kimberley, were smuggled across the border and sold under his licence to dealers from Kimberley. They could then be dispatched to England without let or hindrance, the provisions of the Diamond Trade Act being inoperative outside the Province of Griqualand West.

After an irksome journey to Johannesburg, then in its infancy, he went on to Pretoria, where he had interviews with both Kruger and Joubert, and then made his way to Barberton. The principal mine at Barberton was the Sheba, which for some years proved a lucrative proposition. Barberton, like Johannesburg, was thronged with prospectors and adventurers and it was difficult to find a corner to sleep in. The property in which Merriman had acquired an option was situated in the Kaap River Valley, some miles from the town. He went there more than once and was very favourably impressed. He describes the process of grinding the quartz and panning out the gold, adding that he was " satisfied that the property is a genuine thing and no deception." In a later letter he says, "I feel convinced it will turn out one of the best if not *the* best thing up here." On his reports a Company called " The Gem " was formed, but failed to justify these sanguine predictions. Merriman and his co-adventurers lost their money. There seem to have been some " leaders " with an occasional rich " pocket," but no lode of permanent value.

His next venture was in the Zoutpansberg District, in the vicinity of Marabastad, where a Cape Town Mining Syndicate had acquired the mining rights on certain farms. Specimens of quartz of great richness reached the Syndicate at Pretoria, and it was thought necessary to take special

precautions to prevent information on the subject reaching the authorities until the *mijn pachten* had been duly registered. In the end two companies were floated in which Merriman seems to have done fairly well ; but the Zoutpansberg District never included any very lucrative proposition on an extensive scale and the " enormously rich reef " mentioned in the correspondence does not seem to have materialized.

All this prospecting and syndicating was to Merriman far from congenial work. It was about this time that he wrote the letter to his mother from which I have already quoted. In another letter he says, referring to a former note from the old Bishop, " the note stuck a dagger in me. I seem to be about such ignoble work. If I could *only* pay my debts, oh what a relief it would be ! All this rush after money is not much to my taste and indeed never was." And again, in writing to his wife, he refers to a newspaper " sermon about speculation and neglecting the State, which I suppose is a rap at me. If," he adds, " the State will pay my debts and give me a moderate income, I am sure that politics is a far more congenial pursuit than developing gold mines and certainly much more to my own taste."

While in the Transvaal he did not altogether neglect affairs of State. He was much impressed by the risk to British South Africa of a German acquisition of the Portuguese port of Delagoa Bay, now officially designated Lourenço Marques. This was of course before the Jameson Raid, and the Kaiser's obliging offer to send a protecting force through that port to Pretoria. Merriman, as already observed, had always deplored the decision in 1884, which had enabled Germany to obtain a footing on the South-West coast ; he was still apprehensive of a possible penetration from Angra Pequena, or Luderitzbucht, through Damaraland, which might ultimately be connected with the Portuguese settlement on the east coast.

During a visit to the Cape he discussed the subject with Sir Hercules and, on his invitation, sent him an elaborate memorandum on the question. It is far too long to cite in

full and very difficult to epitomize ; but it shows the broad views he entertained as to future dangers in this direction. His great apprehension was lest, at some future date, the Foreign Office might arrive at another understanding with Germany with regard to the possessions of Portugal, should that Power prove willing, for a financial consideration, to part with its footing in South-East Africa. The apprehension was not without foundation. Lord Salisbury was inclined to enter into negotiations in which that territory might be included in a general *modus vivendi* with Germany. Fortunately, public opinion in Portugal, proud of the pioneering traditions of the past, prevented the Ministers of the day from assenting to any such proposition.

At the same time, Merriman contrived to keep in touch with public affairs at the Cape. Scanlen's position in Parliament was now less prominent and the leadership of the opposition was practically shared by Merriman and Sauer. In 1887 the House was much occupied with the question of native representation, in which they were both interested. In the previous session arrangements had been made for the separate representation of the native voters in the Transkei. In the border districts also their number had largely increased ; in two of them (Aliwal and Wodehouse) they were as numerous as the whites. Two Statutes were enacted in this year, one introduced by the Government and the other by Hofmeyer, providing, *inter alia*, that communal tenure of property should not qualify for the franchise and that natives qualified by separate tenure should be exempted from certain provisions of the Pass Law, and others in the local Licensing Laws, which were in the nature of class legislation. I cannot here enter into details on this subject. It may suffice to observe that the native franchise was placed on a fairly satisfactory basis, and that members returned for constituencies in which it is influential have seldom fallen below the average standard in legislative capacity.

In the ensuing session politicians were much concerned with proposals for railway extension from the ports to the

interior and the connected problems of customs and tariffs—topics of the gravest consequence then, but which may now be relegated to the sphere of ancient history. Other subjects of debate were the introduction of the ballot and further applications of the principle of equal rights for both languages. But the last session of a Parliament is rarely fertile in its legislative output, and 1888 was no exception to the rule. Members have their eyes on their constituencies, where there may perhaps be a rival Richmond already in the field. In September Merriman, who was then sitting for Namaqualand, paid a visit to that remote district, where he was re-elected without opposition, and spent the last part of the year in the Transvaal, where he still had interests to watch.

During his travels and speculations in the Republic he had been much in contact with J. B. Robinson, who now offered him the position of Manager of the Langlaagte Estate and Gold Mining Company at a salary of £2,000 a year, with a furnished house and certain allowances. He was to retain his seat in Parliament, but presumably must have realized that such employment on the Rand could hardly be compatible with the effective discharge of his legislative duties at the Cape. He had now been twenty years in the House and was still feeling keenly the lack of an independent income. He decided, doubtless not without reluctance, to accept the offer and arrived at Johannesburg in February, " finding every one in muddy water, groping and struggling for gold . . . ' business ' consists largely in loafing and drinking. Every one is struck by magnitude of prospects and sits down to admire them." Merriman had had no previous experience of such work and " felt very like a new boy coming to school."

He threw himself into his new job with his usual energy, finding many deficiencies in equipment which he sought to remedy. For a time all went well enough, but after some months friction arose with Robinson's partner, Marcus, a man not easy to get on with. Marcus seems to have disliked some of Merriman's criticisms and resented his influence with Robinson. While at Johannesburg he was in touch with

Kruger, who wanted him to use his influence with Sir Hercules to procure the assent of the British Government to the absorption by the Transvaal of Swaziland, then overrun by concession-mongers, and coveted by the republic as a means of access to an independent port on the west coast. One entry in his diary refers to a hurried visit to Pretoria : " Visited Kruger at daybreak at his house. He was, for him, expansive, explained his position with regard to Swaziland. . . . He also gave some curious side-lights on the Matabele question illustrative of Lobengula's duplicity. Back to Johannesburg by 12.30 coach." Meanwhile the difficulties with Marcus continued and at one time the latter decided to retire. In the end, however, Robinson, finding it necessary to make an election, felt unable to dispense with Marcus and offered Merriman a substantial solatium for the cancellation of their agreement. This he accepted and sent in his resignation. " I am sorry," he writes, " to quit a work to which I had put my hand and intended to make a success, but glad beyond measure to leave Johannesburg and see the last of Marcus." He left for the Cape in July, arriving in time to take part in the work of the last part of the session.

The new Parliament had met at Cape Town, for the usual three-monthly session, on 20th May. Merriman did not return to the Cape till 22nd July to resume his legislative duties. His diary, rather a casual and intermittent production, was kept more fully than usual during this year ; but it contains no reference to any steps which he may have taken to excuse his absence to his distant constituents in Namaqualand. There are, however, letters from both Innes and Sauer, deploring his absence, which, as another friend remarked, had " emptied the Speaker's Gallery." Scanlen, Innes writes, as leader of the opposition, would " neither resign nor abdicate " and the position generally seems to have been far from satisfactory.

Meanwhile Merriman, though he had been supplied with a furnished house, had sent up all his own household effects to Johannesburg, where Mrs. Merriman was about to join

him. He had had to resign his position on the Committee of the Public Library at Cape Town and was helping to organize a similar institution on the Rand. He refers with some indignation to the report that the Government intended in the next session to call attention to his absence ; but it is difficult to understand how he can have expected to continue to combine two incompatible positions.

During 1889, however, nothing of special importance occurred in Parliament, although the relations of the Ministry with Hofmeyr had been less cordial and there had been indications of a growing *rapprochement* between Hofmeyr and Rhodes. Rhodes, however, like Merriman, was much occupied at this time with his work in the north. He was engrossed in a struggle with other competitors for a footing in Lobengula's country and had no time to attend the first session of the Cape Parliament. Throughout this year, discussions had continued as to the extension of the railway system to the interior, and the comparative advantages of various routes, together with the related question of tariffs and customs. As to the latter, there had been a conference at Bloemfontein, where a Customs Union between the Cape and the Free State had been arranged.

Other events had occurred which require brief mention. Sir Hercules Robinson, on the expiration of the usual term of office, had returned to England. His work as Governor and High Commissioner had been highly appreciated ; as has been already seen, he had been in frequent and confidential intercourse and correspondence with Merriman. It had been generally hoped that he might be re-appointed ; but a speech which he made, at a farewell banquet, in which he emphasized the policy of " self-determination " in the self-governing colonies, had aroused adverse comment at home and rendered his return unlikely.

South Africa had also sustained a serious loss in the death of President Brand, who had for many years administered his little Republic with much sagacity, and on more than one critical occasion—from the Boer war to the Warren expedi-

tion—exercised a pacific and statesmanlike influence on the whole South African complex. When this vacancy occurred both Sir Henry de Villiers and Mr. Hofmeyr had been sounded by influential persons in the Free State ; but the eye of De Villiers was then directed to Pretoria, where Kruger's term was nearing its close, while Hofmeyr felt no inclination to exchange the atmosphere of the Cape for that of Bloemfontein. The result was that the Free State Chief Justice, Mr. Reitz, succeeded to the Presidency ; and Reitz, a strong " nationalist " in his sentiments, had neither the capacity nor the disposition to exercise the moderating influence of his predecessor.

Last, but by no means least, Rhodes, with the mining rights he had acquired from Lobengula, and the support he had secured elsewhere, succeeded in obtaining a Charter for the Company he had formed for the exploitation of Mashonaland and Matabeleland. His railway now began its northward extension from Kimberley, on the western border of the Transvaal, and Kruger had to abandon his plans for expansion in the same direction. He therefore concentrated his attention on a scheme for obtaining a port of his own on the east coast, for which a corridor through Swaziland was necessary ; but the difficulties with Swaziland, and its tribe of concessionnaires, were still unadjusted. Meanwhile, little progress had been made with the railway to Delagoa Bay, and there had been a good deal of friction between Great Britain and Portugal as to the pretensions of the latter Power to the extension of its territory in the direction of the Zambezi.

After the session was over, Merriman, having now put a little money in his purse, thought the time had come to take his wife for a holiday. They arrived in England in September and were absent about six months. They naturally met some important people and saw some interesting things. When visiting a friend in the Potteries he explored the district, descending coal mines, inspecting iron works, inquiring into processes, hours of labour, and wages earned. In pottery work he found a growing increase in the artistic feeling

displayed by the workmen ; " the South Kensington School of Art is said to do much good and the practice of lending examples of famous schools has much effect."

On returning to town he visited the Parnell Commission. " The three Judges," he says, " looked wearied out as well they might and the court was only decently full—to make up for it the adjacent court, in which a filthy libel case was being heard, was packed. . . . The only Irish members present were Biggar, who looked, what he is, a decent tradesman, and Davitt, who had the appearance of a most desperate conspirator. . . . Perhaps the ceaseless, inordinate flow of talk sickens people and the bickerings of rival politicians conceal the ominous signs of the great agrarian revolution that fights in the name of home rule." By way of a change he visited Barnum's great Show : " at least 15,000 people under one roof and fifteen elephants in the arena at one time. I could not help thinking that the wise-looking brutes must have had some contempt for us all."

He found little to attract him on the London stage, but when in Paris was charmed with the acting in " Theodora " of Sarah Bernhardt, " who has the most graceful, tender and *câlinant* voice in the world." His own voice, with its rhythmical modulation, was, as already mentioned, a very valuable asset in his political equipment and greatly contributed to the charm of his oratory. They went on through Provence and the Riviera to Italy and Sicily, whence they made a short excursion to Northern Africa, visiting Tunis and Carthage. After a pleasant and diversified holiday they returned to England in February and so back to the Cape.

Before leaving Europe he had some correspondence with Goschen—then Chancellor of the Exchequer—about the South African situation, with special reference to Delagoa Bay, where he was apprehensive of either France or Germany acquiring a basis for commerce and colonization. His own idea seems to have been that, if Great Britain could not recover possession of that port, the best solution would be its acquisition by the Transvaal ; if Kruger's aspirations were

realized, and the Boers obtained a maritime outlet of their own, they would, in effect, be giving hostages to fortune. Goschen replied that Great Britain, while recognizing the importance of the future of the Bay, could, of course, take no steps involving interference with the rights of Portugal.

" In the hands of Portugal," Merriman observes, " Delagoa Bay may be a source of much mischief and annoyance ; in the hands of Germany or France it would be a real danger to the supremacy of England in South Africa. If, however, the Transvaal Republic were allowed to acquire this port from Portugal by purchase under certain guarantees to Great Britain all danger would be at an end. If the Transvaal held Delagoa Bay there could be no differential tariff and English trade would meet its rivals on equal terms ; but if the port were in the hands of a power that aimed at fostering manufacturing industries we should have a very powerful opposition in South African trade. . . . Five years ago, not without warnings from my pen, the Germans effected a lodgment on our West Coast. If we find that they have repeated the same strategy on the East it will be a far more serious matter and it will be too late when we are outflanked to remedy the error."

Two years afterwards, Merriman, then Treasurer of the Cape, had an opportunity, when in London, of consulting Lord Knutsford, then Secretary for the Colonies, as to a possible acquisition by the Cape of a lease of Delagoa Bay. He had received a hint on the subject from the Rothschilds, who were in touch with the Portuguese Ambassador. Lord Knutsford felt that difficulties might arise with regard to customs, the policy of Portugal having been to attract trade to the port by levying only a very low rate on imports for the Transvaal. However, in the upshot, no proposal was made and the matter was allowed to drop.

Portuguese opinion was strongly opposed to the abandonment of what still remained of its possessions in South Africa, with all their historical associations ; and arrangements were made by which we maintained our friendly relations—traceable to the days of the Plantagenets and afterwards

cemented in the Great War—with our "old and faithful ally" of the Peninsula. Meanwhile, this consummation had been facilitated by the result of the contact of the forces of the Chartered Company on their expedition to Mashonaland with certain filibusters from Delagoa Bay, who were endeavouring to push forward the westward boundaries of Portugal. There was more than one brush between the two forces, but in the end those of the Charter under Jameson prevailed and an agreement was made on very favourable terms. The Company's administration of part of Barotseland, north of the Zambezi, where an understanding had been effected with Lewanika, as well as Mashonaland, was recognized, together with the right to transport facilities on the Zambezi. The Portuguese also undertook to build a railway from their port of Beira to the boundary of the Company's area, thus affording them much needed facilities for communication with the coast. From this time forward, though many difficulties and complications with Portugal from time to time arose, any apprehensions which may have existed of a transcontinental expansion of the Portuguese possessions from Angola in the west to Lourenço Marques in the east were effectively removed, and the relations of the Company with the Portuguese, like those of Great Britain, were maintained on a friendly footing.

Meanwhile, Merriman had been endeavouring to obtain the withdrawal of Germany from Angra Pequena and its hinterland in consideration of the contemplated cession of Heligoland to that Power. Lord Salisbury, however, preferred to obtain, as a *quid pro quo*, a surrender of the German rights in Zanzibar. As it was afterwards ascertained that France also had treaty rights in the same area, this proved rather an expensive bargain, France having to be placated by the broadest construction of her "*prise de possession*" of Madagascar. Rhodes, however, got into touch with the Kaiser and in the end succeeded in removing the obstacle presented by the boundaries of German East Africa to his passage by the Stevenson road to the north. His scheme

for the extension of British rights " from the Cape to Cairo " became a practicable proposition.

We must now revert to the politics of the Cape. During the Session of 1889 Merriman had been pushing his fortunes in the Transvaal ; Rhodes had been busy with his plans for the Charter ; the opposition had been ineffective, and the Ministry, though weakened by the results of the elections, had not been seriously menaced. In the following year the position was very different. Sauer had replaced Scanlen as leader of the opposition ; Merriman had shaken off from his feet all the dust they had collected on the Rand ; while Rhodes, who had intended to prolong his absence, " suddenly changed his mind and, without waiting to pack his portmanteau, hurried off to Cape Town and threw himself into the political fray." [1]

The immediate cause of this step was the introduction by the Government of a " comprehensive " railway bill. The frontier farmer and the backveld boer were aggrieved that, while the main lines were being pushed forward to the north, they were afforded no facilities for marketing their produce ; the new measure provided for the construction of a large number of branch lines, which it was thought would gain many votes. Sprigg, however, had overshot the mark. Rhodes, always hostile to what he described as " the policy of the parish pump "—what the Frenchman, in criticizing the *scrutin d'arrondissement*, calls *la politique du clocher*—vigorously opposed a scheme which would have involved the expenditure of many millions on lines some of which could never have defrayed the cost of construction. Hofmeyr on the whole concurred and the Bill was riddled by the sarcastic criticism of Merriman and Sauer.

Against this combination the Ministry could make no headway ; their proposals fell still-born and Sprigg had to resign. The Governor—Sir Henry Loch had now succeeded Sir Hercules—then sent for Sauer, who did not see his way to form a Ministry without the co-operation of Hofmeyr. The

[1] Williams, 182.

latter, as it happened, had gone to Pretoria, at the request of the High Commissioner, on an important mission connected with the Swaziland Convention. At that time there was no British Agent in residence at Pretoria and the Swaziland negotiations, involving frequent references to the Colonial Office, engrossed Hofmeyr's attention as Special Agent for nearly a month. Meanwhile, on Sauer's suggestion, the Governor had given his ministerial commission to Rhodes ; and Rhodes, after obtaining by telegraph the assurance of Hofmeyr's support, undertook the task.

CHAPTER VIII

MINISTRY OF RHODES : MERRIMAN AT SCHOONGEZICHT

Rhodes becomes Prime Minister, with Merriman as Treasurer and Sivewright as Commissioner—Merriman's dislike of the Charter—His work as Treasurer—Bank Act—Correspondence with Goldwin Smith as to franchise and educational qualification—Buys a wine and fruit farm near Stellenbosch, which he makes his home—Life at Schoongezicht—Merriman's house and library.

Rhodes, at this time the most powerful man in South Africa, could scarcely undertake, in addition to all his other commitments, the work of departmental administration ; and at first there was some doubt whether the premiership could be held without portfolio. There were other difficulties in the situation. It was clearly necessary to include in the Government the leaders of what may be described as the Liberal Opposition—Sauer, Merriman and Rose Innes—as well as some representatives of the Bond. From among the latter Rhodes invited Faure and Sivewright.

Faure was a shrewd Dutchman, bred to the law, with some experience of affairs, who may be said to have now taken up, with singular success, the rôle of Cabinet Minister. In France at this time Ministries were very ephemeral ; but there was one Minister, M. Cochery, who seemed to have a charmed life, and reappeared in every new combination as the representative of " Postes et Télégraphes." M. Cochery became known as " Ministre inamovible " and Sir Pieter might have claimed a similar title. He had a portfolio in three successive Ministries, under Rhodes and Sprigg (1890-1898), and was the only Minister to achieve that distinction ; after a brief interval he resumed office under Sprigg (1900-1904). During the greater part of Jameson's Ministry, Faure was

a colleague of mine in the laborious work of the War Losses Compensation Commission ; but as soon as that Commission issued its last Report a vacancy occurred in the Cabinet and Faure's services were once more in requisition. In all, he was a member of five out of six consecutive Ministries, a fact sufficient to demonstrate his flexibility of adaptation to the shifting scenes of the political stage.

Sivewright was a man of a very different type. In former years he had done good work in the Postal Department and was an expert in electrical science. In those days he was on very friendly terms with Merriman, to whom he sent some graphic descriptions of the campaign in Zululand. He had also a good deal of information with regard to Basutoland and was in touch with Merriman about the affairs of that country. After retiring from the service he had been successful as a speculator and had decided to take up public life. He had recently obtained a seat as a supporter of the Bond. In him Rhodes found a very useful colleague, who fully shared his view that *qui veut la fin veut les moyens*. Sivewright now became Commissioner of Public Works—the office which, under Molteno and Scanlen, had been held by Merriman, who was now appointed Treasurer of the Colony, Sauer becoming Colonial Secretary and Rose Innes Attorney-General.

The new Government was acclaimed as " the Ministry of all the talents " ; but it was obviously far from homogeneous. Merriman's relations with Rhodes were much less cordial than when, six years earlier, he had persuaded him, instead of joining Gordon in Egypt, to become his colleague in the moribund Ministry of Scanlen. In particular, he had strongly denounced the projects and devices of the Chartered Company, to which, in a letter to his mother, he referred in no measured terms as " an open filibustering expedition . . . an empire to be founded by outside influence because the people of the country are not to be trusted." After referring to former controversies he adds : " I am glad to think that I had a good deal to do with Bartle's downfall and please God

I shall serve the B.S.A. Co. the same way, but the tide is flowing strong." Three months afterwards he was sworn in as a member of a Ministry of which the founder of the Charter was the head. Such personal vicissitudes were not infrequent in the kaleidoscopic politics of the Cape.

The writer of the obituary notice in *The Times* (3rd August, 1926) states that Merriman "had stoutly championed Rhodes's work in the North, and had commended the Chartered Company to the sympathy and support of every intelligent man." The sentence is repeated in the notice which appeared in the *Cape Times* on the following day. No doubt, while the colleague of Rhodes in Cabinet, he was debarred from condemning the foreign policy of his chief, and may perhaps have had occasion to defend it ; but, besides the passage in the letter to his mother, cited above, there are others indicating his reprobation of the schemes of the promoters of the Charter and the devices by which they attained their ends. After his separation from Rhodes had been followed by Jameson's disastrous *coup*, his censure was unrestrained. "His speech on the Raid," says the same writer in the *Cape Times*, "in moving for the revocation of the Charter, was, if judged as a pure piece of oratory, a very remarkable achievement. Scathing in its satire, apt in expression, extraordinarily impressive in its delivery, it was altogether a brilliant and powerful piece of declamation." In later years Merriman often reverted to the subject, especially in his correspondence with Basil Williams, then engaged on his *Life of Rhodes*, which he inscribed to Merriman. He there draws a vivid contrast between the ingenuous youth, full of high thoughts and aims, with whom he rode and talked at Kimberley, discussing their future career in public life, and whom he welcomed as a colleague in the last days of Scanlen's Cabinet, and the prominent Minister of later years, obsessed with the conviction that money is the root of all power.

No doubt there was much that was censurable in the proceedings of those who acquired the Charter and used it for the destruction of the potentate from whom it was

obtained. On the other hand, Merriman, while detesting the exploitation of South Africa by European speculators, was at one with Rhodes as to the urgency of maintaining the means of expansion from the Cape to the North and the risk of being hemmed in by the combination of the Transvaal with some foreign Power. In view of the poverty of the Cape and the apathy of the Colonial Office, the real question was whether there was any method of circumventing that risk except by enlisting the resources of private capital—that " patriotism at five per cent." to which Rhodes alluded in one of his speeches to his shareholders in Cannon Street. All this, however, is by way of anticipation, and we must now revert to the period when Merriman's letter to his mother was written shortly before the Rhodes Ministry was formed.

From Kimberley, where this letter was written, he went on to Johannesburg, of which he found the moral atmosphere still odious ; in one of his letters he refers with asperity to the proceedings of some of its prominent men—among them Barnato and Sivewright. At Pretoria he was in communication with the President on the subject of a railway concession, of which the object was to develop the Zoutpansberg District and the Murchison Gold Fields. Kruger, he says, " received me with surprising cordiality, shaking my hand in both his own ; we had a talk on the old subjects—Swaziland and the operations of the Chartered Company." On returning to the Cape he threw himself with zest, as already stated, into the attack on Sprigg and his Bill, and thus found himself a member of the new Cabinet of the talents and a colleague of both Rhodes and Sivewright.

The combination, as he felt from the first, was scarcely likely to last very long. In a letter to his sister, Lady Barry, written after the close of the Session, he observes : " We have settled down in our ministerial nests with our noses in the Treasury crib, but I cannot say that I feel either proud or pleased and Sauer, Innes and I have a good many things to gulp down, I therefore hardly like to predict a long life for our craft, but I am quite sure that Rhodes will be quite as

happy with Sprigg and Upington." Merriman's position in public life, after his breach with Hofmeyr and estrangement from Scanlen, had been indeed a difficult one. He had now joined forces with Rhodes in defeating the Sprigg-Upington combination, which had held office for the last six years, and he could scarcely fail to respond to Rhodes's appeal for assistance in the formation of a new Ministry.

For the nonce, however, he seems to have found plenty of congenial work in the " Treasury crib." His attention was at once directed to the unsatisfactory state of the railway accounts. This was the largest spending department, and the Treasury was sadly to seek for information as to current expenditure. This was the more serious as there were large commitments to the Netherlands Railway Company, a very unsatisfactory Dutch concern, for railway construction purposes in the Transvaal. This Company was now building the line from the Vaal to the North with the help of a loan from the Cape. Merriman circulated a minute on the subject of railway expenditure and suggested the engagement of a statistical expert from the United States. Sivewright, as the head of the Department, raised some objections ; Merriman did not get his expert but he did get some of the information he required as to the accounts.

At the same time a good deal of anxiety was felt owing to the failure of one of the Cape banks. Certain questions arose, as to which it became advisable to consult the British Treasury and to compare the American practice, with regard to the deposits required from the banks against their issue of notes. After full investigation Merriman introduced and carried a Bank Act (6 of 1891) consolidating and extending the law on the subject, and giving the Treasurer much wider powers for the supervision and control of such institutions. Among other things which had to be considered at this time there was also a proposal to accept the coinage of the Pretoria Mint as currency at the Cape. Altogether, a good many problems required careful handling at the Treasury if the Colony was to raise a new loan on satisfactory terms.

Without entering into too much detail, it may be claimed that Merriman's policy as Treasurer distinctly improved the credit of the Colony ; and when the time came the necessary funds were obtained on much better terms than if Sprigg had had to come to the City to raise some of the millions for his " comprehensive " railway scheme.

At this time Sprigg was in London and had hinted to Mills, the Agent-General, that things were not going smoothly in the Cabinet, that either Merriman or Sivewright would soon have to resign, that he himself would probably return to the Treasury, while Merriman might be appointed Agent-General. Mills, who had been on close terms of intimacy with Merriman for many years, wrote to him in some anxiety with reference to this suggestion, but was reassured by both Merriman and his wife. They both replied to the effect that, as long as Mills felt able and willing to carry on, they would be no parties to his displacement. This was in 1890, after the first Session of the new Ministry. Sprigg's ideas were at all events premature, and much was to happen before he found himself once more with his nose in the Treasury crib.

In the Session of 1891 there was a good deal of feeling about a " Strop " Bill strongly supported by the Bond, and for which Rhodes was prepared to vote, of which the object was to authorize the corporal punishment of disobedient labourers. As to this measure, Merriman writes to his wife :

> B. gives out that Rhodes is going to carry the flogging bill and that Sauer and Innes will go but that R. will have plenty of others to take their place. Possibly this may be a way out of a very ignominious position. . . . I fancy that Rhodes might find it more than inconvenient to rouse the intelligence and right feeling of the country against him. Really one feels rather like a traitor writing this, but I cannot conceal the feeling that Rhodes is jealous of me personally and that he would throw over all his colleagues if he thought he could do better. . . . . I confess that open hostility would be better than subservience.

In his relations with Rhodes, as subsequently with Schreiner and, after Union, with Botha, Merriman was

obviously inclined to adopt the attitude of "*Aut Caesar aut nullus*"; but the Strop Bill failed to pass and Parliament was mainly occupied with a Liquor Bill, introduced by Innes, and based on the Report of a recent Commission on the subject.

After the Session Innes left for England and we find Merriman writing to Mills: "Innes goes home by next mail, I need not tell you that he is the salt of our Ministry and has made a great name since he has been in office by his devotion to duty. I may as well tell you that he is very *antipatico* to Rhodes, and that partly for this reason I see some danger to our Cabinet at no very distant date. . . . It is a misfortune that he is rather committed on the franchise." It is perhaps scarcely surprising that, in this atmosphere, Rhodes was sometimes inclined to think that in Cape politics his foes were in his own household, and to rely increasingly on Sivewright, who began to be regarded as the *âme damnée* of the Prime Minister.

As to the franchise question, it had been arranged that the next Session should be devoted to its discussion. The Bond members, alarmed at the rapid growth of the native vote in some of the border districts, were in favour of an increase in the property qualification, the imposition of an educational test, and the granting of a second vote to electors possessing certain higher qualifications. The proposal of a dual vote was, however, withdrawn and on the question of the educational test Merriman addressed an inquiry to Bryce, to which he received the following reply:

I should with the greatest pleasure give you any information on the important question you refer to, but there is practically no American experience so far, for no Southern State, except Mississippi, has yet applied an educational franchise, and Mississippi only did it last year. It will not be worked there fairly, for of course the authorities will let in all the whites they can, and keep out the negroes whose educational qualifications can be in any way impeached. As regards such a test elsewhere, it exists in a few Northern States—you will find some facts in Chapter 40 of my *American Commonwealth*—but has had comparatively little effect: in fact in most States the party managers have agreed to

disregard it. Of course in these States the percentage of illiterates is very small, so that the provision makes no great difference. In Italy there is, I believe, an educational franchise, and it so happens that I am expecting just now some information regarding its working. If it arrives I will inform you. The South African problem had occurred to me as similar to that of the Southern States in the U.S. and I should like to hear something further from you about it.

The Franchise question very nearly produced a split in the Cabinet, Innes being pledged to oppose any restriction of the existing native vote. It was only under persistent pressure from both Merriman and Sauer that in the end he was induced to acquiesce in the very moderate changes which, after much discussion, were accepted by the Bond, slightly increasing the occupational qualification and requiring every future applicant to sign his application in the presence of the registering official. The result was the formation in certain districts of large classes where coloured adults laboriously acquired the art of producing their own autographs. The Bill in this shape became law. The Ministry thus survived its third session and in one way and another had done a fair amount of useful work. After the close of the Session both Rhodes and Sivewright left for Europe, and it was at this period that difficulties, which had always been latent, began to come to a head.

Before proceeding further with our political chronicle, it may be convenient to mention that it was at this stage of their fortunes that Merriman and his wife took advantage of an opportunity which presented itself of acquiring what was to be their future home. The surveying business had never been very satisfactory or remunerative and it was open to the drawback that, if he got a substantial job in the country, where there was no accommodation for a lady, it was liable to involve a long period of separation. Merriman found a new interest in life in ceasing to survey the land of others and becoming a landowner himself. He purchased the fruit and wine farm of Schoongezicht, agreeably situated, as its name

SCHOONGEZICHT

implies, in the uplands of Stellenbosch, below the Simon's berg, about four miles from the town and about 35 from the Cape. Sir Jacob Barry, Merriman's brother-in-law, shortly afterwards purchased the adjacent farm of Rustenberg, now the property of Lord de Villiers. Another neighbouring farm was acquired by Sir Thomas Smartt.

These fruit farms are of no great size, averaging perhaps 250 acres. Approaching from the town, they are situated in a well-wooded belt, which became known to Merriman's family and friends as " the happy valley." Shortly after their installation, in the latter part of 1892, he had to start on an official tour in the eastern province. Writing to his wife in November, after describing some of the incidents of his tour, he goes on to say : " I am looking forward tremendously to the quiet of the farm. They say it will be very dull for you. I only hope that it may suit you, but one can never tell until one tries. In many ways it will be a relief to get away for a time from the common round, but it is always a trial to be thrown on one's own resources. . . . I long for the oaks and the coolth of Schoongezicht—and for your society, my dear."

The house and farm buildings were then in a very dilapidated condition and the vines had been ravaged by the phylloxera. The property was therefore acquired on easy terms, but Merriman had but scanty means for its restoration and improvement. The first thing to do was to make the house habitable. The dying vineyards were trenched out and planted with fruit trees—pears and apples, peaches, plums and persimmons. In order to make some income before the fruit trees began to bear, small crops were grown, such as potatoes and pumpkins, and Merriman was chaffed in the House when he carried off the first prize for pumpkins at the Stellenbosch Show. There were a few very fine peach trees and some old pears which produced good fruit for a few more years, when the pear orchard had to be cut down as it was found to be infected with the codling moth. There was a good deal of miscellaneous culture till the vineyards and fruit trees came into bearing and attention was concentrated

on the manufacture of wine and the export of fruit. With brandy Merriman would have nothing to do, and one of his first steps was to destroy the distilling plant on the farm.

Shortly after Merriman's acquisition, the management of the farm was undertaken by the present occupant, Mr. Nicholson, who for some time received a salary as manager and a share in the profits. Nicholson, who had been a Winchester boy, and was a brother of Admiral Nicholson, then stationed at the Cape, had much to do with making the venture a success. He married a niece of Merriman and they executed a notarial agreement under which Nicholson became entitled, on Merriman's decease, to take over the property at a reasonable price. As its value meanwhile had much increased he was able to avail himself of this option and still remains in possession.

Had it not been for this stipulation, the executors would have been compelled, under the instructions of the residuary legatee, to sell the farm, with all the other assets, by public auction to the highest bidder. Merriman, like other men of note, had been unfortunate in his testamentary dispositions. The latest document which could be discovered was invalid, not having been duly attested, and the devolution of the assets, under an earlier instrument, was probably materially different from what at a later date had been in the contemplation of the testator. Hampered as he was by lack of capital, he could only hasten slowly and was obliged, as he said, to put into the farm only what he took out of it. His maxim, " Never let the wagon go to the station without something for the market "—pay for your imports with your exports—might serve for a settlers' slogan, the adoption of which would save the surrender of many an estate.

Merriman was one of the first, if not actually the first, to risk exporting fruit, and it naturally took much time and experience to ascertain the methods of picking, packing and transporting by which this branch of industry has gradually attained so large a measure of success. Meanwhile the Schoongezicht brands of wine, both white and red, had

become popular in South Africa and gradually made a name beyond the seas. With this brand Merriman was more successful as an exporter than he had been, many years previously, in selling imported wines, with the labels of superior vintages, to his customers at the Cape. During the later phases of the Great War he was interested in hearing from young South Africans on active service that they had found his wine in stock at such remote places as Mudros and Siberia. He managed to interest the well-known firm of Burgoynes, who had previously confined their attention to the wines of Australia, in those of the Cape, in which they now do a considerable business.

Besides fruit and wine there were other interests for the owner of the farm. There was a small extent of pasture and arable land from which he could procure oats and hay as fodder for his stock. He kept a good many horses and also worked up a herd of Jersey cattle from stock which his brother-in-law, Mr. Van der Byl, had been the first to introduce to the Colony. These gentle creatures, if their product is not quite so copious as that of the Friesland breed, more common at the Cape, produce milk and butter of superior quality and are an adornment of any farm. Merriman was also much interested in forestry. The farm was rich in umbrageous oaks. Chestnuts and acacias were not wanting. He covered the hillsides with pines and forest trees of many varieties. The advice of the laird of Dumbiedykes—" be aye putting in a tree, Jock, and it will be agrowing while you are sleeping "—was with him a favourite maxim, with which he conformed in practice. He shared Mrs. Merriman's interest in the garden and was always on the look-out for new plants or shrubs to increase the amenities of his home. On this aspect of life he was in entire agreement with Candide.

Merriman was never so happy as when at home, enjoying the " coolth " and other amenities of Schoongezicht—and the society of his wife. He took an active share in all the pursuits of his little estate. Always an early riser, when in office he would put in a couple of hours at his desk before breakfast ;

when not in official harness he would take a long walk or be busy on the farm till the mid-day post arrived. He was always a charming host and visitors from home, suitably introduced, might reckon on a hospitable welcome. In the afternoon, when not strolling round the hills with a friend, gun in hand, he would take them for a ride to some interesting spot in the neighbourhood or for a visit to Sauer at Uitkyk. He also took his share of local business, such as the Senate of the Victoria College or the meetings of the Fruit Growers Association and the Hospital Committee. During his last nine years in the Parliament of the Union he represented Stellenbosch. Neither did Mrs. Merriman ever find it dull, as he had at first feared might be the case. Much occupied with the superintendence of her house and garden, she did not lack society. Besides frequent visitors from the Cape and elsewhere there were others from the neighbourhood, to which the adjacent University College, the wives and families of members of the Council, the Senate and the teaching staff, contributed an element, not without distinction, of its own.

Before quitting the happy valley, a word should perhaps be added about the house, a single-storey building of the Dutch bungalow type, erected about a century ago. We approach it by a high stoep, below which there is the murmur of a rivulet, making its way from a mountain spring, past the out-buildings and the house, flowing down the fruit garden to the tree-girt sward below. On entering the house from the verandah, we find ourselves in a lounge, studded with trophies of the chase, and ornamented by a valuable grandfather's clock, one of many such articles acquired by an expert, commissioned by Rhodes, from the old farms in the district. Beyond the lounge is the dining-room and to the left the principal room in the house, which served the purposes of a drawing-room and library combined. Mrs. Merriman had a small sitting-room of her own, but they generally sat together in the larger room, where much of the wall space was occupied by Merriman's books. He had

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inherited his father's books, chiefly theological and classical, some of them Winchester prizes. He had never possessed the means to acquire, or the space to accommodate, a large library. Texts of the classics, constitutional documents, works on political economy and philosophy, were relieved by a lighter element, including the novels of Anatole France, of whom he was a great admirer. For current reading Merriman had two excellent Libraries easily accessible, the Parliamentary Library and the South African Public Library, in the management of which he took an active interest, and of which he was a Trustee for many years.

His own books reflected his tastes. He always read everything that appeared relating to Mexican and Peruvian archaeology and was no less interested in the ancient civilizations of Crete and Northern Africa. He owned a number of books on "colour" questions, American and South African. In *belles-lettres* he had a representative assortment of poets and novelists. He loved the full-blooded story of adventure, from Marryat to Stevenson ; *Peter Simple*, *Jacob Faithful* and *Treasure Island* were often in his hands. Bernard Shaw appealed much to him. He never missed a chance of seeing him acted and possessed most of his plays. Dill's works on the social life of Rome, those of Gaston Boissier and Mahaffy, testify to his study of the politics of Greece and Rome. His interest in Napoleon was shown by a number of French books, such as those of Ségur, while, in another department, Cobbett's *Rural Rides* was a favourite, with such modern works as Haggard's *Farmer's Year* and Prothero's *History of Farming*. It was neither costly editions nor rare books that made his library attractive but the reflection it afforded of his tastes and the chance that many of the modern books would be found to contain letters from their authors. To avoid its being broken up, the collection was sold by his executors to Sir A. Bailey, and may possibly at some future date, like the Fairbridge books, find a permanent home on the shelves of the South African Library or some other public institution. The walls of his Library were

hung with a portrait of Gladstone, his financial model, and another of Lincoln, whose speeches he often quoted.

His diaries, kept more systematically in the later years, give some idea of the extent of his reading, and contain many a pungent comment or apt quotation from the work in hand. He was particularly attracted by descriptions of voyages and travels and adventurous expeditions to regions hitherto unexplored. It was therefore very appropriate that he should have been requested to unveil the fine memorial to Captain Scott, which has been erected, facing that of Van Riebeek, near the old Jetty at Cape Town. His speech was a fine specimen of dedicatory oratory. After referring to the heroic efforts of the old Dutch adventurers who had set out, 300 years before Scott, to find the South Pole, to the planting of the Dutch flag by De Cordes, and the Order of Knighthood he founded, on the desolate shores of Tierra del Fuego, he spoke of the pathetic ending of the last journey of Scott and his brave companions.

> In those simple records [he concluded] he has left a story that is full of inspiration for those that come after—a lesson of what brave men can do and endure. Many months afterwards search parties found their bodies and erected a rude cairn over their remains. And there they lie, in that dreadful solitude and silence, amid the ceaseless war of the elements. What fitter tomb could they have? Who can tell what generations of men in time to come may pass this frail memorial we dedicate here to their memory? Let us hope that, when they read the names engraved here, they may be induced to turn to the record of what they did there, and lay to their hearts the simple lesson that Scott wrote in his journal when he was in the full flush of hope and expectation: "It is the work that counts, not the applause that follows."

During the latter portion of his life, spent at Schoongezicht, Merriman found time for much speaking, much reading and much writing. Many of his letters which have been preserved, from their wit and humour, must have much amused their recipients. They consist largely of sarcastic references to persons who have long since passed away and include many

diatribes on those with whom he was at the time at variance and who afterwards, in several instances, became his trusted and intimate friends. No attempt appears to have been made to arrange or collate the correspondence during his life-time, and much time and toil has been devoted to its perusal and classification, with the result that only a very small percentage has been found suitable for reproduction or quotation in these pages. Besides getting through a vast amount of speaking and reading, he was a voluminous writer, both on public topics and in private letters. The speaking and reading made him a ready man and a full ; one can scarcely aver that his writing made him a model of exactitude.

CHAPTER IX

A CRISIS IN THE CABINET : THE JAMESON RAID

A crisis in the Cabinet—Merriman, Innes and Sauer object to Sivewright's contract with Logan—The Cabinet breaks up—Rhodes, after abortive negotiations with the Chief Justice, forms a new Ministry, with Sprigg as Treasurer—Merriman declines post of General Manager of Railways and also that of Agent-General—Friction with the Transvaal—Closing of the drifts—Agitation at Johannesburg—Rhodes supports revolutionary movement—The Jameson Raid—Rhodes resigns—Sprigg becomes Premier and Treasurer, with Upington as Attorney-General and Sivewright as Commissioner.

Our excursion into the Happy Valley, at the time the Merrimans made it their home, has led us to wander far from the somewhat sordid story of the politics of the day, to which we must now revert. As suggested in the last quoted letter to his wife his ministerial tours were then, for the time being, coming to an end. Rhodes's Ministry, however talented, was from the first deficient in solidarity, and certain happenings now led to its disruption. They centred round the personality and proceedings of Sivewright. As Commissioner he was Minister for Railways, the largest spending department in the public service. During his absence it transpired that in September, shortly before leaving for Europe, he had made a contract with one Logan for the supply of refreshments on all the Government railways. Logan was an able and pushing man of business, and an intimate friend of the Commissioner. He already held several such contracts for certain stations, which gave him considerable political influence. His principal establishment was at Matjesfontein, in the district of Worcester, and at the next election he became a member of the Assembly for that Division. On former occasions contracts for refreshment rooms had

always been made after calling for tenders. In the present instance, the Commissioner had, without calling for tenders, given Logan the contract for the whole system on conditions which were equivalent to a monopoly for twenty years. This remarkable step had been taken without consulting any of his colleagues, who first heard of it from statements in the press.

Innes at once wrote to Rhodes on the subject, and as soon as a Cabinet could be held a cable was dispatched, expressing the opinion that steps should be taken at once to cancel the contract. To this a reply was promptly sent by Rhodes and Sivewright, agreeing to such action as those on the spot considered best. Sivewright, it must be added, made rather a shabby suggestion, not supported by the facts, that the agreement was made as a matter of routine on the recommendation of departmental officials. Another cable was sent by Hofmeyr and another leader of the Bond to Sivewright himself in which they said, " Logan contract causes grave dissatisfaction, weakens Ministry, places friends in false position, retreat in time, show Rhodes "—a request, it may be added, with which Sivewright failed to comply. Logan, on learning that the contract had been cancelled, sued the Government for specific performance or £50,000 as damages. The demand for specific performance made it necessary to plead that the contract was not in the public interest, a plea to which Sivewright objected ; and, when the case was tried, the plaintiff recovered substantial damages for breach of what the Court evidently regarded as an agreement under which he might have anticipated very considerable profits. More cables passed, and in February we find Merriman writing to his mother :

> This Logan business of course renders it quite impossible for me to sit in the same Cabinet with a man who could do such a thing as well as others which have come to my notice. And as soon as Rhodes returns an explanation must take place which will probably end in my resignation. This means an upsetment and meanwhile it tells on one's work and one's temper. How dead to

all moral sense is our community becoming when such things are condoned, nay, those who protest against them are blamed.

When Rhodes returned in March the " triad " intimated that, in the absence of any satisfactory explanation, they could no longer sit in the same Cabinet as Sivewright, who came back at the end of April. It should perhaps be added that there had been at least one other incident which strengthened their determination, but the Logan business was the main factor. On Sivewright's return Rhodes made every effort to arrive at some *modus vivendi* ; he asked for, and obtained, particulars of the complaints against the proceedings of the Commissioner, but does not appear to have communicated them to him, or to have been able to bring his colleagues together. There is an interesting account, compiled by Mrs. Merriman, of the various phases of the crisis from day to day. Parliament was about to meet and immediate action was necessary. In the end, Rhodes, feeling that, for personal reasons, he was not in a position to ask Sivewright to retire, placed his own resignation in the hands of the Governor, who asked him to form a new Ministry.

It will be remembered that Merriman had predicted that " Rhodes will be quite as happy with Sprigg and Upington." For the nonce, however, the services of Upington were not available, as he had recently accepted a seat on the Bench, while Sprigg during the last Session had shown much personal as well as political antagonism. It therefore occurred to Rhodes to invite the Chief Justice to form a Ministry, in which he would himself sit without portfolio. He had, shortly before this, suggested to the Chief that he should stand at the ensuing election for the Transvaal Presidency and had offered to pay his expenses ; De Villiers had made a reconnaissance at Pretoria but had come to the conclusion that the chances of defeating Kruger were not sufficiently favourable for him to leave the Bench and become a burgher of the Republic. He now agreed to form a Ministry at the Cape ; but the plan fell through, apparently owing to

some difference of opinion with Rhodes and Hofmeyr as to the composition of the new Cabinet.

De Villiers's view of the episode is set forth in letters exchanged with Rhodes, which have already been published, and which may be open to the comment that they scarcely cover the full history of the negotiation. At this time De Villiers learnt that active steps were being taken to secure his nomination for the Presidency of the Free State, where Reitz's first term was about to expire ; and he seems to have been disposed to entertain these proposals till he was dissuaded by his advisers at Pretoria on the ground that such an election might prejudice his future prospects in the Transvaal. Further particulars on this subject will be found in his Life. The disposition which he showed, on these and other occasions mentioned by his biographer, to re-enter public life in other spheres did not affect his high reputation as a jurist, but can scarcely have failed, in certain quarters and in certain cases, somewhat to diminish confidence in his impartiality as a Judge. Meanwhile, Rhodes had met Sprigg, who, with characteristic " flexibility of adaptation," had hinted his willingness to assist him in his difficulty, and in the end this appeared to Rhodes to be the best solution of the problem. He took Sprigg into his new Cabinet with two of his chief supporters. Sprigg's anticipation of succeeding Merriman as Treasurer was at length fulfilled ; Schreiner, for whom a seat in the House had to be found at Kimberley, became Attorney-General ; of the former Ministry Rhodes and Faure alone remained.

On 7th May we find Merriman writing again to his old mother at Grahamstown and reporting the *dénouement* in the following terms :

> We have had a most eventful week with a termination that I somehow expected. I suppose Agnes kept you *au courant* with the ebb and flow of events. Of course, the sacrifice is very great in every way, the loss of position and means, the interruption of one's work, and the abandonment of all one's measures and plans are hard to put up with, but I cannot but feel that the loss of self-

respect in the continuance of the Sivewright-Hofmeyr-Rhodes alliance would have been still worse, and Agnes thinks so too. The new combination is an odd one. Elsewhere one would say that it was impossible, but here we are easy-going and people easily forget. If one thought that our action would in any way strike a blow at the slippery fashion of condoning all evil-doing that is not proved in a court of law much would be gained, but alas the public conscience is seared with a hot iron.

In the ensuing Session many dreary pages of *Hansard* are occupied with the discussion of the Logan contract. Sivewright put up a vigorous defence to the effect that it was not the practice of English Railway Companies to call for tenders in such cases and that there was no one else in the Colony capable of contracting, as was thought advisable, for the whole system. There was, however, nothing to show that sectional offers might not have been obtainable on advantageous terms ; and he failed to meet the *gravamen* of the complaint that, departing from precedent, he had made an agreement of a quite unusual character, giving a monopoly to an intimate friend, without consulting any of his colleagues on the subject. In the end a Committee of Inquiry was set up, with a somewhat limited reference ; the Committee was selected by the Speaker, with Hofmeyr—who had been on very friendly terms with Sivewright—as Chairman. They reported that, while there were undoubted advantages in concentrating this business under one head, a position which for some time to come, owing to the leases he already held, no one but Logan could occupy, they were unable to approve of the contract actually made, as it was for an unduly long period, was ambiguous in its terms, failed to contain certain important provisions, and had not been submitted, as it should have been, for the approval of Ministers—especially of the Attorney-General—before execution. The Report also contained detailed recommendations as to future arrangements for catering on the railways. This Report was adopted unanimously by the House and obviously amounted to a complete justification of the action taken by Innes and his colleagues.

Its adoption was practically the last act of this Parliament, which was prorogued almost immediately afterwards. As usual during the last Session of a Parliament, there had been little contentious legislation. Rhodes, with his new team, had had no difficulty in maintaining his position ; but the trend of public feeling was with the Ministers whose attitude had caused the crisis, while the combination between Rhodes and Sprigg was regarded as a blow to political morality and the system of party government which, during the last twenty years, some endeavour had been made to maintain under the amended constitution of the Cape.

In the ensuing election the Bond on the whole kept up their strength, while Rhodes and Sprigg had each their own special following. During the Session of 1894 Hofmeyr and De Villiers were absent, having gone to Canada to represent the Cape at the Ottawa Conference. Parliament was mainly occupied with the discussion of a Scab Act ; the Glen Grey Act was hurried through, with little opportunity for discussion, during the last few days. This measure was introduced by Rhodes, with the object of inducing natives to acquire individual titles for their land ; those who failed to do so were made liable to special taxation unless they worked for hire for three months in the year. Merriman and Sauer opposed this provision and pressed their opposition in an all-night sitting. The Bill was passed, the proposed tax was never collected, and in the sequel the measure proved the precursor of other legislation on similar lines, the effect of which has been distinctly beneficial. Apart from these measures the Session was uneventful. The opposition was weak and disorganized. Altogether, it looked as if Merriman, *iam iam futurus rusticus*, would have plenty of leisure for growing pumpkins and planting forest trees on the slopes of Schoongezicht for some time to come.

There was, however, more than one very important position in which, after leaving office, he might, had he thought fit, have obtained permanent and congenial work. Shortly after his retirement in 1893 Sprigg offered him the

post of General Manager of Railways ; the offer was repeated in the following year. This Merriman declined, mainly on the ground urged by Sprigg himself many years before, when Abercrombie Smith accepted the office of Auditor-General, of the inadvisability of the appointment of members of Parliament to high permanent positions in the administrative fabric. He added that, " I am as fully impressed as you are yourself with the gravity of the question of the future of railway management in this country, especially as it affects the financial position. It is a subject that affects the whole of South Africa as well as this Colony. The responsibility for the higgledy-piggledy lack of system seems to me inseparable from the management of a commercial undertaking by a party government. As far as I can see this is a growing evil and you may rely on my assistance in devising any measures for its reform." He was doubtless influenced in his refusal by the fact that new construction proposals—" vote-catching proposals " as they were described—appeared to be in contemplation, as to which he proposed to retain his freedom of criticism, while Sprigg had doubtless a lively recollection of his crushing attack on the " comprehensive " measure which had sealed the fate of his former Ministry.

When Parliament met in 1895 Hofmeyr was no longer in the House, having decided on personal grounds to resign his seat for Stellenbosch. He was then pressed by both Rhodes and Sprigg to accept the post of Agent-General, which had become vacant by the death of Sir Charles Mills. Rhodes was particularly anxious for him to represent the Colony at a trade congress in London and complete the negotiations with Canada which he had initiated at Ottawa. In view of the critical situation in the Transvaal, Rhodes may well have had other reasons for wishing to see Hofmeyr installed in the London office.

Hofmeyr, however, did not see his way to accept this offer and no appointment was made till the beginning of the following year, when Sprigg had resumed the Premiership and at once offered the post to Merriman. Sir Lewis Michell

strongly pressed him to accept, observing that "without flattery, you are by general consent the man for the place without any exception, and no human being who knows you would suspect you of agreeing to be 'got out of the way.' Of course, I have the same opinion as yourself of the present Cabinet, but really, when one thinks of it, it was not the Cabinet but the country that pointed you out as the most suitable man for the post." A few days afterwards he again writes, reporting a long conversation with Sprigg, who was still anxious for Merriman to accept. In another letter of the same date he begged Mrs. Merriman to waive her objections, saying that "his acceptance of the post would not be incompatible with the highest sense of honour. I think you know my downright *affection* for Mr. Merriman and that I would advise no step that would in the very slightest degree touch his honour and yet I do strongly urge his taking the post."

Both Merriman and his wife had, on a previous occasion, declined to supplant their old friend Mills in a position which he was anxious to retain. Now that the vacancy had arisen they would both have been pleased to take up the work in London, for which, with his financial experience and general capacity, he was exceptionally qualified ; while, on the social side, his wife would have been an admirable coadjutor. But she supported him in his refusal to accept an offer emanating from a Cabinet which included Sivewright among its members. He wrote to Sprigg :

I have given the matter that careful consideration that is due to its importance and to your own personal courtesy. I regret that I cannot see any reason for altering the determination I arrived at on a former occasion. In saying this I trust that you will not think that I make any reflection on yourself personally or that I am insensible of the honour you have done me by the offer. But I consider that an Agent-General, to do any good work, must have some respect for, and confidence in, the Government from which he accepts his office irrespective of their politics. For the majority of your Cabinet I have neither respect nor confidence, and I should feel that I was not doing an honourable thing in

accepting a post which would bring me into closer relations with them.

His mother wrote "approving of his refusal for conscience sake of the post which he had always wanted." In a subsequent letter to his sister he writes : " I confess it amuses me to be called a self-seeking place hunter when I have refused four times the two highest-paid appointments in the colonial service." The vacant position of Agent-General was now given to Sir David Tennant, a man advanced in years, who had scarcely sufficient adaptability to maintain in his new office the reputation he had acquired during his long tenure of the Speakership of the Assembly.

We must now turn back to some of the events of the previous year. Early in the year, Sir Henry Loch, on the expiration of his term of office, had returned to England and Sir Hercules had returned to Government House. This appointment had been made at the special request of Rhodes. Objections had been raised in more than one quarter. His farewell speech had not been forgotten and it was also thought that his financial relations might prove a drawback. On his return to England he had accepted a seat on the De Beers' Board ; he had also become a Director of the Standard Bank of South Africa and the London and Westminster Bank, both of which institutions were closely connected with the finances of the Colony. He, of course, divested himself of these interests before resuming office ; but Merriman, notwithstanding their former intimacy, felt constrained, after certain experiences when Treasurer, to associate himself with Innes and Sauer in the objection which was now taken and to which Chamberlain gave some support in the House of Commons.

The writer of these pages happened to be in England later in the year and had some conversation on the subject with Lord Buxton, who was Under-Secretary for the Colonies when the appointment was made. " We felt," he said, " that it was important to comply if possible with the wish of Rhodes, who was not only Prime Minister of the Cape but probably the most important person in South Africa ; we felt too that

there was reason to apprehend serious friction with the Transvaal, in dealing with which the long experience Sir Hercules had acquired of South African affairs might prove extremely useful." When the crisis arrived at the end of the year, Chamberlain, who on coming to the Colonial Office had accepted the *fait accompli*, must have been glad that his objection had not prevailed.

During the ensuing Session the Ministry, having no longer the assistance of Hofmeyr in the House, had to face rather a violent agitation for the repeal of the recent Scab Act, which was handled by Sprigg with some want of tact ; but the principal measure was one for the annexation to the Cape of the Crown Colony of Bechuanaland, extending as far as Mafeking. At the same time the Chartered Company sought to take over the adjacent Protectorate. This proposal was vigorously resisted by Khama and other chiefs, who went to England to discuss the situation with the Colonial Office. They obtained a good deal of support, and in the end the supporters of the Charter succeeded only to the extent that they obtained a narrow strip of ground on the western border of the Republic, practically coinciding with the old missionary road. This gave the Company a connection with the Colony on its northern frontier, together with sufficient land for the contemplated extension of the railway to the north from Mafeking.

One reason why Rhodes at this time met with no serious opposition in the House was the strong feeling which had been aroused among the Cape farmers by the fiscal policy of Kruger, who seemed to be very much in the hands of his friends from the Netherlands, regarded all immigrants from the Cape as " Uitlanders," and gave producers in the Colony no facilities for finding a market in the Transvaal. The Netherlands Railway from Delagoa Bay had now been completed, and linked up with the Cape system at the Free State border, largely with financial assistance from the Cape ; and producers in the Cape and the Free State found their commodities excluded by a prohibitory tariff on the short section of

railway from the border at Vereeniging on the Vaal to the Gold Fields on the Rand. Nothing daunted, the importers started a service from the border by wagon and the President then closed the drifts to imported goods.

By this arbitrary proceeding he gave Rhodes the opportunity he had long been seeking. Advised by Schreiner that the closing of the drifts amounted under the convention to a *casus belli*, he appealed to the Colonial Secretary for support. This Chamberlain agreed to give on the Colony undertaking to contribute to any expense which action might involve. Kruger now realized that he had overstepped the mark, and at the beginning of November the Proclamation was withdrawn. At this time the agitation on the Rand had attained considerable proportions. The feeling about the continued denial of the franchise to immigrants—few of whom were really anxious to divest themselves of their own nationality and become burghers of the Republic—was doubtless exaggerated ; but the capitalists were aggrieved by such matters as heavy taxation and the dynamite monopoly, while the new population had many grievances, such as the refusal of any facilities for local self-government, for the education of their children in their own language and other similar matters.

A revolutionary movement was organized ; and Rhodes, not knowing how things might shape, if he stood aloof, made the great mistake of his life in determining, while holding the position of Prime Minister of a friendly Colony, to take a hand in the proceedings. With his help, and that of the Manager of De Beers, munitions of war in large quantities were imported to Johannesburg. Colonel Frank Rhodes, Cecil's elder brother, a gallant officer and gentleman, but not hitherto regarded as a captain of industry, was appointed Managing Director of the Consolidated Gold Fields and in that capacity seems to have directed the supply of funds.

The extent of the knowledge of what was fermenting in South Africa, which at this time existed in London, outside the offices of certain South African financial houses and that

of the Chartered Company, has always remained obscure ; for reasons which I need not discuss, it was not elucidated by the Select Committee which subsequently investigated the matter. I remember meeting a friend in the Reform Club, about the middle of December, who asked me whether it was true that Rhodes had sent for Beit to help him to make war on Kruger, a question which shows that rumours on the subject were already in circulation. About the same time Rhodes had a visit from the late Flora Shaw (afterwards Lady Lugard), the correspondent of *The Times*, who was supposed to be a good deal in the confidence of the Colonial Office. It so happened that there was then a good deal of anxiety with respect to our relations with the United States, where President Cleveland had resented certain action which we had taken to enforce our claims against Venezuela as amounting to an infringement of the Monroe Doctrine. If a revolution in the Transvaal was really imminent, it may have been suggested that there might be extraneous reasons for bringing it to a head without delay. " If 'twere done when 'twere done then 'twere well 'twere done quickly."

In the previous year Loch had been " so convinced that civil war was inevitable in the Transvaal that he mobilized the Bechuanaland Police on the western border." [1] After the affair of the drifts, Jameson, at Salisbury, taking Loch's action as a precedent, made a move with all the available forces of the Charter, under Sir John Willoughby and other seconded officers, who marched with horses, guns and transport along the strip of land on the border of the Protectorate to Pitsani, near the colonial frontier at Mafeking. At Mafeking there were already some 200 Imperial Police from Bechuanaland, who, in consequence of the annexation of the Crown Colony by the Cape, were about to be transferred to the Chartered Company and were now awaiting disbandment and transfer at that place. Jameson may well have presumed that the Colonial Office was aware of his movement, and that the existence of such a force on the border of the Republic

[1] Walker, 446.

might prove an important factor in the event of a rising on the Rand. He then visited Johannesburg and, returning by way of the Cape, reported the result of his communications to Rhodes. There appears at this time to have been some hesitation among the mining leaders and some difference of opinion as to the flag they should hoist. However, a Proclamation was issued, guns were distributed and 26th December was provisionally fixed for the contemplated rising. But the matter hung fire. Jameson was informed that information was leaking out as to his preparations and that further delay would lead to his progress being blocked. Accordingly, he jumped to the conclusion that unauthorized action, if successful, is wont to be condoned. He made use of an undated invitation he had obtained at Johannesburg in November, and towards the end of December telegraphed to Rhodes that he was about to proceed forthwith.[1]

A reply from Rhodes forbidding such a step was not received till he had actually started, with the combined forces already mentioned—amounting in all to about 700 men and horses—on the evening of Sunday, 29th December. The wire had been cut south of Mafeking and communication was not restored till the following day. The adventure, as everyone knows, proved a fiasco. Partly as the result of a Proclamation issued by the High Commissioner, there was no movement from Johannesburg. Jameson and his men, after a skirmish at Doornkop, some twenty miles from the Rand, had to surrender to a stronger force of burghers under Cronje, which had been sent from Pretoria to intercept him.

I need not dwell on the subsequent developments. Sir Hercules, who appears to have been kept entirely in the dark, on instructions from Chamberlain hurried to Pretoria. Before leaving the Cape he had done his best to recall Jameson and had issued a strong Proclamation, drafted by

[1] The general supposition was that Jameson had himself dated this letter ; but it was subsequently elicited that the date (Dec. 28) had been inserted at Cape Town, where the text was cabled to *The Times*, thus producing the impression that his movement had been in response to an urgent appeal from the Rand. See notice of Dr. Harris in *The Times*, 3rd Sept., 1920.

Hofmeyr.[1] When he reached Pretoria, Jameson was already a prisoner. His next step was to accept the resignation of Rhodes. Sprigg for the third time became Prime Minister, combining that position with his former post as Treasurer ; Upington climbed down from the Bench and resumed the portfolio of Attorney-General ; Sivewright was reinstated as Commissioner. It is scarcely surprising that the much desired post of Agent-General did not appeal to Merriman when it involved co-operation with a Cabinet thus constituted.

There is no period of which the biographer of Merriman finds it more difficult to compile a succinct account than the troubled years which elapsed between the Jameson Raid and the Boer War. There was naturally a general desire to diminish the distrust and estrangement in the Republics which the proceedings of the Prime Minister of the Cape had inevitably entailed. But there was much difference of opinion as to how such a consummation could be attained ; and in some quarters it was felt that the more urgent matter was to support Chamberlain in his renewed efforts to secure redress for the principal grievances of which the people of Johannesburg still complained. The new Ministry, which included three members of the Bond, was regarded as a *cabinet d'affaires*, commanding little respect but confronted with no organized opposition. The Raid, followed as it had been by Rhodes's disinclination to repudiate Jameson, or take any steps to arrest his progress, had entailed an irreparable breach of that understanding with Hofmeyr which had been the decisive factor in the political situation during the last few years ; Rhodes, however, still retained the support of some of those who had hitherto regarded Hofmeyr as their leader ; while the " Jingo " section now considered him as their chief, who had made a tactical error, of which they hoped that the consequences would not involve his permanent withdrawal from public life.

[1] One of the lamentable consequences of a coup of this kind is the atmosphere of suspicion which it creates. When Hofmeyr called on Sir Hercules, the latter expressed the opinion that " pushful Jo " was " in it." Hofmeyr, for his part, came to the conclusion that either Sir Hercules himself, or at all events the Imperial Secretary, was reluctant to take any step which might diminish Jameson's chance of carrying out his plans and joining forces with the riflemen of the Rand.

CHAPTER X

MINISTRIES OF SPRIGG AND SCHREINER

Proceedings in Parliament—Select Committee on Jameson Raid—Draft Report prepared by Upington as Chairman—Merriman submits an alternative Report, which is adopted by the Committee and the House—Censure of Rhodes's conduct—Rhodes goes to Matabeleland, where, after protracted negotiations, he effects an agreement with native rebels—He proceeds to England and gives evidence before the Commons Committee on the Jameson Raid—Merriman moves a Vote of Censure on the Sprigg Ministry, defeated by the Speaker's casting vote—Sir A. Milner succeeds Sir H. Robinson as Governor and High Commissioner—Chamberlain at the Colonial Office—Defeat of the Sprigg Ministry and dissolution of Parliament—Schreiner carries a Vote of Censure and forms a Ministry, with Merriman as Treasurer—Proposals for a Conference between the Colonies and the Republics—Minute by Merriman—The Bloemfontein Conference—Question of the Franchise—Military preparations—Importation of rifles by the Free State through Cape ports—Beginning of the War and prorogation of Cape Parliament.

When Parliament met, the new Government, as perhaps might have been anticipated, gave little light or leading as to the catastrophe which had caused its formation. The Governor's Speech, in effect, described the Raid as a regrettable incident and expressed a pious hope that Her Majesty's Government would take "such steps as shall prevent the recurrence of such a calamity." Merriman, impetuous as usual, at once gave notice of a motion for the revocation of the Charter. There was, however, a general feeling that some further investigation of the facts was desirable; and to this effect was given by a circumstantial amendment drafted by Schreiner, which concluded with a proposal for a Select Committee, to be nominated by the Speaker, "to inquire into the circumstances, as affecting the Colony, in connection with the preparations for and carrying out of the recent armed inroad into the territory of the South African Republic." A further amendment, proposed by Innes, advocated a judicial inquiry, coupled with the ex-

pression of an " earnest hope that such steps will be taken in the South African Republic towards the favourable consideration of any legitimate grievance of the population which has settled in that State from this colony and elsewhere as may conduce to the peace, unity and welfare of South Africa."

There ensued a long debate, extending over eight sittings, and in the end, after a series of divisions, Schreiner's proposition was adopted by a large majority. The Committee was then nominated, with Upington as Chairman and including Innes, Merriman and Schreiner among its members. The Committee sat for nearly two months and took a great deal of evidence. They had the usual power to send for papers, but a special Act had to be passed to enable them to demand the production of telegrams. Certain correspondence seized at Johannesburg was also placed at their disposal. A draft Report was prepared by Upington, but the Committee preferred an alternative Report, drafted by Merriman; and this Report was adopted by the House, on the motion of Schreiner, at the end of the Session, without further discussion.

While Merriman was engrossed with the work of this Committee, he had some correspondence with Sir Hercules, then on a brief visit to England, with regard to the vacancy in the position of British Resident at Pretoria. It had apparently occurred to him that it might be worth while for him to take up this work. He had always been *persona grata* to the old President, while before the Raid he had shown his sympathy with the movement for reform on the Rand. He doubtless hoped he might be able to do something to relax the prevailing tension, and the Governor seems to have shared this view. Sir Hercules, who was unwell at the time, had received a call from Chamberlain and writes (26th June) :

> I pressed my view as to De Wet's successor on him very strongly. I think he is not on the whole unfavourable, and he certainly has no one else in view. He feared the strong line taken in the recent debate might make the appointment unacceptable to the pro-Charter and pro-Rhodes party here.

There was some further correspondence, but in the end nothing came of the suggestion. Merriman probably did not regret, in the days that were to come, that he had retained his freedom of action at the Cape instead of finding himself in an invidious position at Pretoria.

Speaking briefly, the Committee came to the conclusion that the whole movement " was largely financed and engineered from outside " and that Rhodes, " in his capacity as controller of the three great joint-stock companies, the British South Africa Co., the De Beers Consolidated Mines, and the Gold Fields of South Africa, directed and controlled the combination which rendered such a proceeding as the Jameson Raid possible." They also found that there was no evidence " that Mr. Rhodes ever contemplated that the force at Pitsani camp should at any time invade the Transvaal uninvited. It appears rather to have been intended to support a movement from within." They considered, however, that, when informed of Jameson's intended departure, Rhodes might have taken more prompt and effective steps to prevent the movement, or arrest its progress, and to inform the Governor and his ministerial colleagues. The Report concluded with an expression of the Committee's " deep regret that Mr. Rhodes was not present to give his own account of the proceedings . . . the more so as they were reluctantly forced to the conclusion . . . that the part taken by him in the organization which led to the inroad headed by Dr. Jameson was not consistent with his duty as Prime Minister of this Colony."

Rhodes could plead good cause for his absence from the sittings of the Select Committee. After a flying visit to England, and satisfying himself that the Charter, of which he had agreed to resign his Directorship, was in no immediate danger, he had returned by the east coast route. Rebellion had broken out in Matabeleland, where the allotment of land to the natives had caused much dissatisfaction. Jameson's departure and disaster seemed to afford an opportunity for revolt. Lord Grey, one of the Directors, afterwards Viceroy

of Canada, had very pluckily taken up the work of Administrator ; Plumer, with a small force, was there to back him, and lay the foundation of the repute which he was to enhance in the Boer War. Rhodes gathered that the situation was serious, landed at Beira and reached Salisbury in March. There he learnt that settlers near Bulawayo had been murdered and that Bulawayo itself was in the gravest peril. He determined on personal action, relying on his own prestige with the rebels to effect a settlement. With a small escort he proceeded to the Matoppos, at great personal risk debated their grievances with the indunas, and held many indabas with the natives, with whom he in the end arrived at an agreement. Their immediate distress was relieved, and they went home to sow their lands, while the settlers were promised compensation for their losses. The negotiations were protracted and the last conference took place in October. Rhodes was doubtless right in thinking that he was thus more usefully engaged than in tendering his evidence before the Select Committee or taking part in the work of the Session. On returning to the Cape he met with an enthusiastic reception from his supporters in the principal centres, and proceeded to London " to face the music "—in other words to give evidence before the Committee of the Commons, which was not set up till the Session of 1897. This Committee, with a wider reference, did not, in its Report, presented in July, carry matters much further than Merriman's Report, laid at the Cape a year previously. The circumstances in which the Inquiry was terminated, and the fact that Chamberlain, after signing a document containing such severe strictures on Rhodes's action, endeavoured to " whitewash " his reputation in the House, produced an impression and an atmosphere as to which it would be superfluous to add anything to the very candid observations which have already been made by Rhodes's own biographer.[1] The effect of the methods which Rhodes had adopted, and their reaction on public life and feeling at the Cape, are well described in the

[1] Williams, 284, 285.

quotations from Merriman and Schreiner which will be found in the same volume.[1]

On his return to the Cape, Rhodes resumed his seat in the House, but soon found it necessary to go north once more. The Mashonas, probably encouraged by the concessions the Matabeles had obtained, now revolted in their turn, and the nature of the country made systematic operations difficult. The trouble dragged on till late in the year, Rhodes again taking an active part in the diplomatic restoration of law and order. The suppression of these revolts, and the subsequent settlements, are said to have cost the Company something over two millions, in comparison with which the financial operations of Frank Rhodes at Johannesburg, which presumably led to all the later trouble, were quite a minor item.

Meanwhile Sprigg and his colleagues at the Cape had just survived the Session. They were beginning to be considered a cabinet of caretakers, carrying on till Rhodes should be sufficiently rehabilitated to resume his political activities. The Bond, with Hofmeyr no longer in the House, were inclined to look towards Schreiner as their future leader, though somewhat hampered by his support of Rhodes's action in the matter of the drifts. Merriman also had much influence and, towards the end of the Session, was selected to move a Vote of No Confidence, which was defeated only by the casting vote of the Speaker. That vote enabled Sprigg to represent the Colony at the Diamond Jubilee, to ride in state to St. Paul's with the Dominion Premiers, to be sworn of the Privy Council and to make a wholly unauthorized offer to the Admiralty of an ironclad, as a gift from the Cape, of which little more was heard. Her Majesty's last Jubilee was also the apogee of " the little master."

Before the Committee at Westminster had reported, it should here be mentioned, Sir Hercules had concluded his second term as Governor and High Commissioner. He had done his best to carry out Chamberlain's instructions, but the position had been a difficult one, and he had probably seen

[1] Williams, p. 275.

no reason to modify the view he had caused so much comment by expressing at the end of his former tenure. He was now succeeded by Milner, who, by his financial work in Egypt and London, had enhanced the high reputation he had acquired under Jowett at Balliol.

The future trend of public affairs in South Africa, it was generally felt, would largely depend on the instructions he had brought with him from the Colonial Office and the methods he might adopt for handling a difficult situation. Kruger unfortunately had failed to take the advantage he might have derived from the Raid and its results. He had indeed an excellent hand but had not played it well. He had displayed sound judgment in sending Jameson and his colleagues for trial at home but had complained that the sentences imposed, for a contravention of the Foreign Enlistment Act, were inadequate to the offence. He had sent in a substantial claim for damages, and he had infringed the convention by making certain agreements with foreign Powers. He had done little to remove or diminish the grievances of immigrants ; he had quarrelled with his Judges and threatened the liberty of the press. Meanwhile, he was spending large sums on the purchase of guns from the workshops of Germany and France. In his administration he was assisted by Reitz, formerly President of the Free State, now State Secretary at Pretoria. Steyn, the new President of the sister Republic, a fair-minded man but a staunch republican, had promised Kruger the support of his burghers should there be any attack on his independence. Altogether, Milner on arriving found a tense situation, the handling of which would require much caution and sound judgment.

The crisis was now drawing near. The issues, on which so much depended, were becoming more clearly defined, and, with the issues, the parts for which the actors on the political stage would probably be cast. When Lord Salisbury had returned to power, with a solid majority, in 1895, Chamberlain, who as leader of the Liberal Unionists must have enjoyed considerable freedom of selection, had chosen the

Colonial Office, till then regarded as perhaps the least important of the Secretaryships of State. There can be little doubt that he had been influenced by the situation in South Africa, in which, since the Convention of 1881, he had taken a good deal of interest. He recognized the high importance of that portion of the dominions of the Crown, and he also realized that it was the portion in which serious trouble was most likely to arise. He hoped for the evolution of an improved system of government in the Transvaal, by which the Boer oligarchy would be superseded, and the great resources of the Republic placed at the disposal of an administration inclined to join in some equitable scheme of federation. If the Transvaal and the Cape could be brought together—and at this time, with Rhodes still receiving support from Hofmeyr, there were good hopes of such a combination—a great step would be taken towards the consummation he had in view. Bechuanaland and Matabeleland had been secured, the road to the north lay open, and there was no longer ground for serious apprehensions as to the possessions of Portugal or the schemes of other Powers. With all these favourable elements, the conditions under which Natal and the Free State could be included were matters of detail for subsequent arrangement.

Such, it may be surmised, was the view of the situation taken by the Secretary of State when he went into his new office. Then came the dispute as to the drifts, which at first seemed likely to give him an opportunity for action ; next came the Raid, and the whole outlook changed. New methods, and perhaps new men, would have to be employed. The fate of Carnarvon's proposals, and of the subsequent policy of Frere, should have supplied a warning of the risks of forcing the pace by extraneous interference. As for Rhodes, he was content for the time to remain in the background, leaving policy and procedure to Chamberlain and Milner, while supplying the sinews of war with no sparing hand ; and, if political reinforcements were to be obtained at the Cape, lavish expenditure would clearly be requisite. If

a measure could be carried for a redistribution of seats in the Cape Parliament, giving increased representation to the urban centres, it might be anticipated that Milner, as Governor, would have the advice of Ministers prepared to support him in a " forward " policy as High Commissioner.

On the other hand, there was a strong party at the Cape, composed mainly of members of the Bond, and still looking to Hofmeyr for guidance, who realized that the calamity of the Raid must cause a serious set-back in any tendency towards a *rapprochement* between the Colonies and the Republics. South Africa, it was felt, and by none more strongly than by Merriman, must be allowed to work out its own salvation. Sauer took the same view. The attitude of Innes was more doubtful. He had accepted the Chairmanship of a new political association, most of the members of which were followers of Rhodes ; on the other hand, he had supported Merriman in his vote of censure. A useful recruit had been gained in Richard Solomon, formerly standing counsel for De Beers, who had sat for Kimberley with their support ; after the Raid he had changed his views and was now seeking another constituency.

This party had very limited resources at their disposal for electioneering ; but the expenses of Bond candidates were generally small, and there were some men of means who gave some help. They were thus enabled to start a new daily paper at the Cape, where till then they had had no organ in the English press. The old-established papers both supported Rhodes and were often far from fair to his opponents. South Africa, like Italy, *farà da se*, was the watchword of this school of thought. Such, briefly epitomized, was the situation at the Cape at the beginning of the critical Session of 1898.

Meanwhile, there were no indications of any improvement in British relations with the Transvaal. Chamberlain had reason to complain of Kruger's negotiations with foreign Powers ; but he was ill-advised in reasserting the claim to suzerainty, of which there was no mention in the revised treaty of 1884. Neither did Milner improve matters by

his description of Great Britain as the Paramount Power. A more serious matter was that little had been done to meet the reasonable claims of the new population. Owing to the prevailing distress among the poorer whites, taxation had been increased. The old President had once more been re-elected by a large majority ; and neither he nor his opponents had shown any disposition to adopt any real measure of reform. On the other hand, armaments were still increasing and the War Office had deemed it necessary to send reinforcements to Natal. Milner had been studying the problem as a whole and as a rule had been guarded in his utterances. It seemed clear, however, to the observer that in the following year some change, for better or worse, would have to come—and there was much reason to apprehend that it would not be for the better.

Early in 1898, Merriman was invited to give his views as to the policy of the new paper which was about to appear at the Cape, and replied to the Manager at some length. His letter includes the following passage which, as indicative of his general view of the situation, may be worth transcribing here.

> The policy of the proposed new paper should be to acknowledge frankly the need for reforms in the South African Republic, while at the same time giving the Government of that State credit for its efforts, and recognizing the great difficulties it has to contend with. At the same time due weight should be given to the fact that reforms are needed elsewhere than across the Vaal River, and an honest attempt should be made to grapple with some of the problems, educational, fiscal, and political, that lie in our own path. To the policy of disruption of South Africa, as sketched in a recent address of Mr. Rhodes, by uniting the colonies under the British flag in avowed hostility to the Dutch-speaking Republics, a determined opposition should be shown. That way danger lies. Unless the European race in South Africa shows a united front we shall hardly escape the fate of other countries where the coloured races have crowded the whites off the ground.

Among his correspondents at this time was Harry Escombe, one of the outstanding personalities of Natal, whom we find addressing him at the same date in the following terms :

Just note the difference between us ; you feel drawn towards me politically and I, without a care for your politics, am almost persuaded by your winning ways to become protectionist. The difficulty is that you are only protectionist as to products of the soil whilst my chief hope is to see all duties taken off the necessaries of life . . . if you and I were not so far apart we could at least lessen each other's weaknesses if not increase our strength. The whole position in South Africa will be eased if Hofmeyr (to whom my respects) will just prompt Kruger to call a conference of representatives from all Governments in South Africa " to consider subjects of South African importance." If such a resolution is carried the fact of the Conference will show that South Africa can do what is wanted in South Africa. If, on the other hand, our respectable Uncle Paul will persist in playing the game of his opponents, nothing you or Hofmeyr or anyone else can do will avert trouble.

Parliament met in the following month, but the Session—the last of the ninth Parliament—was of brief duration. A Redistribution Bill was introduced and obtained a second reading ; but, before further progress could be made a Vote of No Confidence, moved by Schreiner, was carried by a majority of five. Parliament was immediately dissolved, and the scene of action transferred to the constituencies, where the battle was fought with unprecedented vigour and, at all events on one side, at unprecedented expense. While the nominal leaders were Sprigg and Schreiner, the real struggle was between Rhodes, supported by other capitalists, on the one side, and Hofmeyr, supported by Merriman, Schreiner and Sauer, on the other.

Merriman found that in Namaqualand, where the Copper Company had previously been with him, he had now no chance of re-election. Rhodes himself had taken the field against him and was elected both there and for his old constituency of Barkly West, for which he preferred to sit. Merriman once more found a seat at Wodehouse—one of the constituencies on the eastern border with, as already mentioned, a large native vote, the bulk of which was given to the " Progressives." Solomon, no longer supported by De Beers,

lost his seat at Kimberley. As far as could be calculated, the Government, after the elections, found themselves in a minority of one. They had to propose one of their supporters for the Speakership—the former Speaker had lost his seat—and, on Schreiner once more moving a Vote of Censure, it was carried by a majority of two.

Schreiner then formed a Ministry, with Merriman again as Treasurer, Sauer as Commissioner and Solomon as Attorney-General ; the other two Ministers, one without portfolio, being members of the Bond. The elections produced an unusually large crop of petitions, for the hearing of which a special court had to be set up. Two members in consequence resigned, one or two were unseated, and the Government found their majority slightly increased. They were not strong enough, however, to resist a demand for some measure of redistribution. As the result of a conference, an agreed Bill was enacted for additional representation under which sixteen new members were elected, but the balance of parties was not materially affected.

It can scarcely have been agreeable to Merriman, who disliked " playing second fiddle " to Rhodes, to accept office in a Ministry formed by one so much his junior, both in years and in experience, as Schreiner. Mrs. Merriman asserts in one of her letters that, had it not been for the attitude of two of the Bond members, the party would have preferred Merriman as leader ; as it was, they fell back on Schreiner, and Merriman, in such critical circumstances, having taken such a prominent part in opposition, doubtless felt he could not stand aloof. His relations with Schreiner, however, were scarcely satisfactory from the first and did not improve as time went on. Whatever grounds Mrs. Merriman may have had for her assertion, it may be conjectured that the powerful influence of Hofmeyr, exercised as usual behind the scenes, was a factor in the selection of Schreiner—a selection he afterwards had reason to regret.

At the end of the Session, Merriman had occasion to visit Natal, where Sir H. Binns was now Prime Minister, Escombe

having been defeated at the election, in connection with the operation of the Customs Union. He proceeded to Bloemfontein and Pretoria and had a very friendly reception from both Presidents and their *entourage*. At this time he was much impressed with the idea that, if a Conference could be arranged between the Colonies and Republics for the discussion of certain matters of common concern, any agreement which might eventuate would produce more harmonious relations and diminish the friction and mistrust engendered by recent events. On his return to the Cape, Schreiner being absent on tour, he had a conversation on the subject with the Governor, who had just returned from a visit to London. Milner expressed himself as favourable in principle and desired a preliminary memorandum to be submitted. Merriman thereupon, with Schreiner's approval, prepared a minute in some detail, of which the exordium perhaps may be worth citation :

> Assuming that the common object at which all the Governments interested in South Africa are aiming is the general welfare and union of the European races in that country, who have to maintain their position in face of a barbarian population many times their number, it will be allowed that the removal of differences and joint action on matters of common interest, where such action is possible, is of great value in promoting sympathy and thus in paving the way for a better understanding upon questions of larger import.
>
> The more that the different Governments in South Africa can be brought to take joint action upon matters on which they agree, the better chance there will be for some mutual understanding on points where at present differences exist.

Later on he observes that :

> It is not the wish of Ministers to enter on the discussion of burning questions that may provoke and indeed probably would provoke great dissension and possible irreconcilable divergence of opinion, but they conceive that great good might be effected if representatives of the various States met in Conference to discuss certain questions that have a common interest for all of them ; and they entertain a hope that such a meeting might at no distant

date pave the way for a broader discussion of matters of greater moment.

After citing as an illustration the advantages derived from the Postal Union, the minute suggested *inter alia* as suitable subjects for consideration the creation of a joint Board of Health, the free interchange of South African products, the creation of a South African Court of Appeal, and a common or general law on such matters as Joint Stock Companies, Banking, Insurance and Extradition. Insolvency was omitted, perhaps by inadvertence. The topic of inter-state riverain rights was also mentioned. The Governor, in a very full and careful reply, observed that " the subjects enumerated in your memorandum seem to me to be chosen with discretion. They are matters of great importance, yet the discussion of them will not necessarily raise burning questions of political controversy. As to the opportuneness of the present time for the meeting of such a Conference I express no opinion."

A difficulty, however, arose from his suggestion that as High Commissioner he should be represented at any such Conference, in view of the circumstance that in Rhodesia there was as yet no system of self-government and that it would become necessary to consult the authorities in that territory. Merriman then addressed invitations to both Pretoria and Bloemfontein, having already obtained the cordial concurrence of the Prime Minister of Natal. Strong exception unfortunately, though perhaps not unexpectedly, was taken in both the Republics to the proposal that the High Commissioner should attend the Conference. Difficulties also arose as to an available date, in view of the approaching sittings of both Volksraads. In the end, the project fell through and the invitation from the Cape was withdrawn.

Steyn then took up the running and proposed himself to invite an informal preliminary conference. " I would propose," he adds, " to invite to such an informal conference, the Cape Colony, Natal, Transvaal and the High Commis-

sioner as representing those territories which have no responsible government. I have very good reason to believe that the Transvaal will be willing to accept such an invitation and to join us at the conference table." This letter, addressed to Merriman at the beginning of May, marked some advance and showed a conciliatory spirit. Merriman, in acknowledging it, promised his strong support to Steyn's suggestion : " I am just as anxious as ever," he added, " about the conference and still think that untold good would be effected if we could once get round the same table to discuss common affairs." Unfortunately, the date of Steyn's proposal coincided with that of Milner's pungent dispatch to Chamberlain, in which he described the Uitlanders as " helots."

The only Conference was that which was held at Bloemfontein, a month afterwards, between Milner and the two Presidents, with their advisers. But Merriman still hoped that some good might result from the proposed meeting. Writing to Fischer on 17th May, he says :

I do believe that all responsible persons are entirely anxious to have some reasonable settlement. . . . Of course we must all see that two more opposite men than Kruger and Milner could scarcely be brought together and it will be a grave task for mutual friends to bring them into harmony. You all have influence and weight with the Old Voortrekker, whose natural astuteness will stand him in good stead, but it may be difficult to bring any influence to bear on the cultured official whose whole training has been in such a widely different sphere. The future welfare of South Africa is at stake and I doubt not that each of us will do our best to work in the direction of some settlement.

And again, writing a few days afterwards, he presses the importance of using Free State influence in the cause of peace :

. . . I believe that if an honest attempt were made to put the true state of affairs before the public and to explain the many difficulties that beset the Government, people would take a fairer view. Of course I know from previous correspondence that you

and the President are not disposed to minimize the blots on the administration of the South African Republic. . . . Surely it would be better to come forward now and earn the gratitude of South Africa by a comprehensive and liberal measure than to have the State torn and distracted by constant irritation and bad blood. A moderate franchise reform and municipal privileges would go far to satisfy any reasonable people, while a maintenance of the oath ought to be a sufficient safeguard against the swamping of the old population. President Kruger should reflect that nine out of ten people that receive the franchise will be supporters of the Republic in which they will have an interest, and that he will by granting liberal reforms disarm all the opposition that must be as distasteful to him as it is to his friends, just because they cannot help feeling that there is some real ground behind the artificial agitation that is so sedulously provoked. . . . Try and persuade President Kruger to confer a benefit on the whole of South Africa by granting a broad measure of reform and you will have done the best day's work any statesman ever did in South Africa. I wish we could do more to help you.

The High Commissioner when at Bloemfontein declined to go into other matters until the question of the franchise was placed on a satisfactory basis. As to the right to acquire citizenship and the vote, the opinion expressed by Phillips, in his correspondence put in before the Cape Committee on the Raid,[1] was still largely held by those concerned. Kruger, however, showed little disposition to meet Milner, and would make no concession at all except for a substantial *quid pro quo*, such as the annexation of Swaziland and the recognition of the unqualified independence of his State. Notwithstanding Steyn's conciliatory attempts the Conference proved sterile ; and publicity was then given to Milner's dispatch and Chamberlain's recapitulation of the grievances for which he sought redress. Even at this stage Merriman did not despair of a peaceful solution, as appears from a letter written to Fischer at Bloemfontein on 12th June, in which he says :

After carefully considering all correspondence that has passed, fully acknowledging great advance secured through your exertions and making every allowance for feelings, think it will be supreme

[1] See *Report*, App. A., 1-3.

pity if through absence of concessions in themselves not vital the opportunity is lost for putting things on sound basis. No dignity will be lost by such further advance and enormous service will be rendered to South Africa. You must understand our object is to endeavour to unite moderate men and defeat the machinations of those who are trying to foment discord.

Notwithstanding the pessimistic tenor of a letter on the subject received from Smuts, indicating his conviction that, notwithstanding all concessions, Chamberlain and Milner had resolved to make a *casus belli* of the question of the franchise, Merriman did not abandon hope, and wrote two letters in reply, from which I may quote one or two passages as indicating his attitude :

You may take it from me that all of us are working in season and out of season to avert the calamity that threatens us all and that no personal considerations will make us shrink from doing our duty. For myself, you know the principles I have always held and fought for in South Africa—and I shall do my utmost to maintain them. My earnest advice to you is to act entirely irrespective of all the wild talk and malicious rumours that reach your ears. Go straight on and do your duty like men. That duty seems to me . . . to set yourselves right with the world by granting such modifications in Kruger's proposals . . . as may commend themselves to all moderate men. . . . I feel much for you personally in your position. I know how much you have had to contend against and how much you have done, but keep cool and " alles sal regt komen." . . . It simply rests now with Pretoria to bring peace to this distracted country by cutting the ground from under the feet of those who are urging on a disastrous policy which will involve the whole of South Africa.

The trend of these letters shows that Merriman and his correspondents in the republics still maintained the view that no good cause had been shown for extraneous intervention ; they still hoped—though the hope was waxing faint—that such intervention might be avoided ; they fully concurred in the opinion, expressed by General Butler when acting as High Commissioner, that the constitution of the body politic was in no need of a surgical operation.

On the other hand, Chamberlain seems by now to have been convinced that, should he fail to obtain redress for his complaints, the hegemony, or ascendency, of Great Britain would be gravely menaced by an alien republic claiming all the rights of a sovereign power. His attitude, and, still more, his methods of controversy, had produced a good deal of dissatisfaction ; but when he made a private appeal to Campbell-Bannerman against giving any encouragement to the old President in what he assured him was a policy of "bluff," the Opposition naturally hesitated to raise the question in the House. At this time there were some hopeful symptoms. Chamberlain made a reassuring speech, deprecating the use of force and suggesting further inquiry into the question of the franchise and other points in dispute. Bryce, writing to Merriman on 2nd July, expressed his view of the situation in the following terms :

Thank you very much for your two letters, which have interested me very much, I have taken the liberty of showing them in confidence to Sir H. Campbell-Bannerman. We of the Opposition have been in a position of some delicacy, because while disapproving strongly of the violent and provocative language of the Colonial Secretary, we felt that it would be in the interests of South Africa and of peace that the franchise should be extended in the Transvaal, and all grievances removed, so that we did not wish to do anything which would encourage the Transvaal Government to refuse to initiate reforms in themselves desirable, though demanded with superfluous and unjustifiable heat and threats. However, we expressed our view that there was nothing whatever in the case to justify war or preparations for war ; and if war had seemed really probable, we should have had to speak with all the decision needed to avert it so far as we could do so. The risk, however, of a war (which to me never seemed a serious risk, for the country was against it, and the Colonial Secretary had, I believe, much opposition in the Cabinet) seems to have now quite passed away, and there is a general sense of relief here.

When the Session began at the Cape (14th July), Merriman thought the Government should propose some substantive resolution. Schreiner did not agree, and was supported by

both Hofmeyr and De Villiers, who apprehended that, in such event, a motion of a different tenor might find favour in the Legislative Council. Replying to an inquiry from Sprigg, he contented himself with the recital of a former resolution, adopted during the Premiership of Sprigg, in favour of the amicable settlement, by arbitration or otherwise, of all differences which might arise, and asked that his answer be recorded. There was indeed at this time some lingering hope that an open rupture might be avoided. Hofmeyr, accompanied by one of the Ministers, had gone to Bloemfontein and, with some help from Fischer, had been able to arrange a conference at Pretoria. There, after full discussion with the Executive Council, they had met the Volksraad in secret session, and had obtained concessions on the vexed question of the franchise closely approximating to Milner's own proposals. The real difficulty was one of atmosphere, the outcome of mutual mistrust. Concessions were complicated by qualifications or ambiguities, leading to further inquiries and a demand for more precise explanations. Chamberlain did not improve the situation by observing that Kruger was dribbling out reforms like water from a squeezed sponge. Among moderate men there was a feeling that the prospect of an accommodation would have been greatly improved had it been possible to transfer negotiations from the Colonial Office to the Foreign Office. At this time De Villiers wrote direct to President Kruger and derived little satisfaction from his reply ; an interview with the Governor produced no more promising result.[1]

Meanwhile, more troops were constantly arriving and both the Republics were increasing their equipment. A troublesome question was raised in the House owing to the action of the Free State in importing through the Cape ports, as, under the Customs Convention, they were entitled to do, arms and ammunition—principally, as it seemed, rifles and cartridges —in quite exceptional quantities. This was being done, as was pointed out, at a time when Portugal had prohibited

[1] See Walker, *Life of De Villiers*, 346-9.

similar importations through Delagoa Bay, and it was suggested that the intention was to arm the burghers for a contemplated invasion of the adjacent parts of the Colony. Schreiner produced a reassuring telegram from Steyn ; but it gave no reason for such importations, and the disclaimer of any aggressive purpose was somewhat qualified by the statement " that the Free State will never take recourse to weapons otherwise than when attacked, or . . . in fulfilment of its obligations." The real point, as Innes, who now sat with the opposition, fairly explained, was that any interference with the customs agreement under which such goods were conveyed, if thought requisite, would be a matter for the imperial authorities.

On this, as on other occasions during the Session, Schreiner expressed the hope that, if the worst came to the worst, it might be possible " to maintain this colony, at any rate, as a little place of peace . . . standing apart and aloof from the struggle, both with regard to its forces and with regard to its people." On the last day of the Session (12th October), when the war had begun, in moving the adjournment, he reiterated this idea, urging the duty of all in a position of authority or influence " to strain for one great object . . . to save our colony as much as possible from being involved in the vortex of war." The situation, however, was such that the preservation of the Colony, as he put it, as " a little oasis " in the desert of strife, was an impossible aspiration. There could, of course, be no question of neutrality ; as the Chief Justice had put it, in a letter to his brother at Bloemfontein, referring to the position and duty of the Cape Ministry : " They are Ministers of the Crown, and it will be their duty to afford every possible assistance to the British Government. Under normal conditions a responsible Ministry is perfectly independent in matters of internal concern, but in case of war they are bound to place all the resources of the Colony at the disposal of the British Crown ; at least, if they did not do so, they would be liable to dismissal." This dictum must, of course, be read in connection with the situation the writer had in mind ; he

would doubtless have disclaimed the extension of any such liability to active participation to other dominions, such, for instance, as Canada, beyond the seas.

The position at the Cape, during the preparations for war, and after war with the Republics had broken out, was of course extremely difficult. Ministers had, on the one hand, to do their best to comply with all military exigencies ; on the other to protect their own people, irrespective of race or colour, from unreasonable demands or harsh usage. They were indeed the Ministers of the Crown, but they were also the representatives of a self-governing community. This was the root of the differences which arose between Schreiner and Merriman. The former was most strongly impressed by his obligations as a Minister of the Crown, the latter by his duties as the representative of the people.

Before leaving the parliamentary scene, a brief reference should perhaps be made to financial matters, especially as this was the only occasion, during the short-lived Ministry of Schreiner, on which Merriman had to introduce a Budget. When he returned to the Treasury, late in the previous year, he had, as on former occasions, been much embarrassed by the lack of pence which so perplexes public men. All available deposits, such as those of the Post Office, had already been utilized and a large amount was due to the Standard Bank on Treasury Bills, of which, owing to a change in the current rate of discount, the Bank had given notice for repayment. It had therefore become necessary to raise a loan ; and the London and Westminster Bank, the London Agents of the Colony, proposed such stringent terms that Merriman, who had for some time been far from satisfied with that Bank's management of the business of the Colony, seriously considered the advisability of transferring the agency to the Bank of England. There were, however, difficulties in the way of such transfer, and in the end the Westminster Bank agreed to undertake a larger emission without the restrictive conditions originally demanded.

Merriman always adhered to the view that sound policy

depended in the main on sound finance. In a full memorandum on the subject, submitted to Schreiner for circulation in the Cabinet, he pointed out that, in recent years, while expenditure had increased, there had been no corresponding expansion in revenue, and that it was becoming urgent either to raise more revenue or to make substantial economies in administration. In his Budget, for the first time in the history of the Colony, he proposed an income tax, and gave an interesting account of the history and operation of that impost. Merriman's Budget met with little resistance in the Assembly ; when Rhodes made some alternative suggestions, by which a tax on income might be avoided, he replied with an asperity which can only be explained by the prevailing tension and was not calculated to diminish it. The proposed Income Tax was rejected by the Legislative Council and was not included in the Colonial Budget till introduced by the Jameson Ministry in 1904.

CHAPTER XI

THE BOER WAR

Siege of Kimberley and Mafeking—Free State Boers invade the Cape—Penalties of rebellion—Differences in the Cabinet—Merriman drafts a minute advocating amnesty for the rank and file—Chamberlain proposes disfranchisement—Schreiner's acquiescence in temporary disfranchisement opposed by the Bond—Schreiner resigns—Difference of principle between Schreiner and Merriman—Sprigg forms another Ministry, with Innes as Attorney-General—Debates on martial law and Treason Bill—Merriman's complaint of Milner's treatment of his correspondence—A regrettable incident at Admiralty House—Merriman and the Navy—The Khaki dissolution—Further invasion of the Colony—Merriman and Sauer proceed to England as a deputation from the Bond—Correspondence in London with Chamberlain—An appeal to the public.

SCHREINER'S aspirations for the preservation of the Colony as "a little place of peace" were soon frustrated by the march of events—and that of the Boers. The Transvaal forces, as soon as war broke out, invested Kimberley, where they hoped to capture the mines, and perhaps still more to catch Rhodes himself, who had been held up there on his way to the north. Another contingent besieged Mafeking, where an impromptu defence was organized by Baden-Powell. Free State Boers, well-equipped with guns and cartridges, occupied several of the northern districts, including the constituencies of Merriman and Sauer, where they met with a sympathetic reception and found many adherents.

Many entries in Merriman's diary at this period refer to complaints addressed to him as to the arbitrary and indiscriminating treatment of the people after the reoccupation of these districts by the forces of the Crown. After describing, for instance, the results of a marauding raid of Australians at Prieska, he goes on to mention similar occurrences in his own constituency of Wodehouse. "In Dordrecht the same thing has happened, the Boers respected the property of British

residents, then came the C.M.R., who looted the property of Dutch inhabitants and now the Dutch are doing likewise. The employment of colonial contingents inflamed by lying press reports is accentuating the character of the war, which was deplorable enough before." That which the palmer-worm had left had been eaten by the locust. When the invading commandoes retired Merriman was much occupied with the operation of martial law and the penalties for rebellion. He sent to England for a copy of the Durham Report, investigated the history of the Canadian rebellion, the proceedings under martial law in Ceylon and in Jamaica under Governor Eyre, and steeped himself in the literature of the subject.

Meanwhile the Cabinet had become a far from harmonious body. Merriman's diary contains many uncomplimentary references to Schreiner's leadership, which need not be repeated here ; he complains especially of his verbosity ; and Schreiner, whether in Court or Cabinet, was wont to be prolix. In one entry we read : " Another long, wearisome and hopeless discussion in Cabinet, Schreiner delivering a series of monologues of great length—anything less like discussion cannot be imagined." Another runs as follows : " Cabinet very unsatisfactory as usual ; time consumed in frivolous gossip without any apparent sense of the responsibilities of government. I have never known a government so absolutely inefficient and feeble in all its essentials." One recalls a somewhat similar criticism of the Cabinet of Molteno ; and it may be conjectured that, when times were out of joint, Merriman was by no means an easy colleague to work with.

At this time the principal subject of discussion and disputation was that of the penalties of rebellion and the constitution of an appropriate tribunal for deciding such cases. A proclamation had been issued by Lord Roberts stating that rebels wishing to return to their farms might do so on certain conditions and would be liable to be called to account later on. Many rebels had taken advantage of this

authorization, among them 600 in the District of Wodehouse, most of them presumably constituents of Merriman, who had surrendered their arms and obtained permits to return to their farms. There was of course no dispute as to the prosecution of men of position and influence, such as Field Cornets, Justices of the Peace, Attorneys of the Supreme Court, and others of similar standing, who had forsworn their allegiance, joined the enemy, and induced many others to follow their example. But as to the rank and file there was much difference of opinion, many minutes were prepared and circulated, and it was only at the end of April that Merriman, after a good deal of objection by Solomon, persuaded the Cabinet to send a minute which he had drafted, recommending a liberal measure of amnesty, accompanied by a memorandum detailing the procedure followed in the Canadian rebellion. The minute was cabled to the Colonial Secretary and Chamberlain replied by the same channel, intimating that, while the graver penalties for treason and sedition might properly be confined to the chief offenders, the rank and file should be disfranchised. Some question then arose as to whether such disfranchisement was to be for life or for a limited period, and this point does not seem to have been elucidated. Merriman and Sauer adhered to the view that the only chance of future reconciliation depended on the unqualified amnesty of the mass of those inhabitants of the invaded districts who, often under considerable pressure, had joined the invaders or supported them in other ways. Schreiner and Solomon thought that disfranchisement for a limited period might in all the circumstances be accepted.

The Cabinet included two members of the Bond, who took opposite views. In this deadlock one of the Ministers communicated with Hofmeyr, who wrote at length to Schreiner, emphasizing his agreement with Merriman. " If," he writes, " such a vindictive measure of political partisanship should be taken as disfranchising hundreds, or it may mean thousands, of Dutch Africanders, thereby completely changing the parliamentary balance of power, and creating for many

years to come a class of Dutch helots, I would indeed despair of seeing in my lifetime anything like harmony or good feeling restored between the European races of the Colony." [1] A party meeting was then convened and decided by a large majority (29 to 8) against Schreiner's policy of acquiescing in some temporary disfranchisement. There were two more meetings of the Cabinet in what Merriman describes as " an atmosphere of constraint." At the final meeting, he writes, " Schreiner in his usual verbose style delivered a long harangue which boiled down to the fact that he had determined to send in his resignation. . . . We then parted, I sincerely hope for the last time."

Letters from Merriman and his wife to his mother at Grahamstown supply further details of this crisis, and current rumours on the subject, which need not be quoted here. They give the impression that both Schreiner and Solomon were much influenced by Milner's view of the situation ; on the other hand both Merriman and Sauer, representing as they did two of the districts on the northern border, could not contemplate with equanimity the wholesale disfranchisement of their constituents. Merriman had given much study to the subject ; after long debate he had persuaded the Cabinet to forward a ministerial minute recommending a liberal measure of amnesty ; and he was in full agreement with the views expressed in Hofmeyr's letter. He was sorely disappointed at the objection to his proposals. In a letter to Goldwin Smith he says :

We are now in the throes of a ministerial crisis. . . . The immediate cause of the rupture was the treatment of the so-called rebels. We as a Ministry recommended treatment on the lines of Lord Durham in Canada, viz. : punishment of ringleaders and amnesty on recognizance for the rank and file. Chamberlain replied suggesting punishment by Commission for certain classes and disfranchisement for all. This is the policy of the loyalists in South Africa, who do not care a scrap for anything except the political victory. It would in fact have created a race of political helots and do what we are waging a costly and bloody war to

[1] For text of this letter see Hofmeyr's *Life*, p. 559.

redress. It would and will, if carried out, tend to create and foster a feeling of lasting bitterness between the two races. . . . I and two colleagues adhered to our policy, the Prime Minister and two others backed Milner. The party by an overwhelming majority supported us—and so the end comes.

In a letter written to his mother on the following day he adds :

I was anxious not to break on personal grounds, even from those with whom I had little in common beyond a desire to see this country in peace. Schreiner is a pronounced Imperialist : I believe in self-government. Schreiner holds the doctrine that he is " the Minister of the Crown," *i.e.* Chamberlain, and bound to carry out his behests or go out : I hold that I am the Minister of the people, bound only to go out when Parliament puts me in a minority. These differences are fundamental and govern all relations.

Merriman, as we have seen, had always held this view. From the constitutional standpoint he was perhaps somewhat in advance of his time, and the fact that the Mother Country was then waging a war, in the operations of which the Colony had been involved, materially affected the situation at large. During the whole controversy Milner had been in touch with both Schreiner and Chamberlain and in any case he was entitled to look to his Ministers for unanimous advice, which they could no longer give. He therefore accepted Schreiner's resignation and Sprigg, *more suo*, stepped into the breach, becoming, for the fourth and last time, Prime Minister, with the co-operation of Innes as Attorney-General. Parliament met on 20th July and Sprigg, with the support of Schreiner and Solomon and their small band of followers, who became known as the " Adullamites," found himself with a working majority throughout the ensuing Session. Parliament of course was mainly occupied with the discussion of matters arising out of the war, which had begun on the date of the last prorogation.

Merriman at once gave notice of a motion for the repeal of

such martial law proclamations as were still in force. Innes replied that the new Ministry, following the example of their predecessors, were de-proclaiming martial law wherever circumstances permitted. Merriman went very fully into the history of the subject, discussing former precedents elsewhere and the manner in which it had been employed in the Colony. The debate extended over several sittings and the motion was rejected by a majority of four. Some of the speeches—notably those of Merriman, Schreiner and Solomon—attained a level of parliamentary eloquence, rarely equalled and probably never surpassed in the politics of the Cape. But they do not readily lend themselves to quotation and, with the possible exception of yesterday's newspaper, nothing is so dead as the rhetoric of a former generation. Much the same may be said of the still more prolonged discussion of the so-called "Treason Bill," brought in by Innes, of which the objects were to provide an indemnity for acts done in good faith during the existence of martial law; to establish a special court for the trial of rebels, and to make provision for the compensation of persons who had been damaged through military operations or the acts of rebels. This measure was fought with much pertinacity. Many members on both sides had been concerned, as agents or patients, in the operations of martial law and much acrimonious feeling was displayed. The Government, however, had always a working majority. The second reading was carried by a majority of nine, and a motion of Merriman's for its rejection on the third reading was defeated by the same figure.

At the next sitting, however, the Government narrowly escaped defeat. On the motion to set up supply, Sauer, in a long and able speech, moved an amendment for a humble address to the Queen, "praying that she may be pleased to put a stop to further bloodshed and to the continuance of the present misery and ruin in South Africa by offering such terms to the late South African Republic and the late Orange Free State as may secure to them their independence, subject

to such guarantees as may be thought fit to preserve the future peace and security of Her Majesty's dominions in South Africa." Schreiner, " who was received with ministerial and cross-bench cheers," must have unpleasantly surprised the cheerers by moving a further amendment, on somewhat similar lines, praying that, without destroying the existence of the hostile States, terms might be arranged placing them under Her Majesty's protection, " and which, while specially safeguarding all sections of the civilized population in the exercise of equal civil and political rights, may yet leave them in the enjoyment of a measure of independence and national existence consistent with the security of future peace in South Africa." Merriman followed Schreiner in an eloquent speech, and on a division the government majority was reduced to two, Schreiner voting with the minority.

During this Session, in the prolonged struggle on the Treason Bill, Merriman had many a hard tussle with the brilliant band of lawyers who defended its provisions. For law and lawyers he had little respect—especially when they disagreed with his views ; " Old Father Antic, the law," was, with him, a favourite expression. He would bring Burton, who gave him much help in this contest, what he called a *catena* of precedents and authorities, which he had ferreted out of the State Trials and his " Constitutional Documents," with which to confound Schreiner and his contentions—a *catena* often more remarkable for length than strength. It was difficult to make him grasp the real bearing and significance of such cases. He had what has been described by a colleague as " a constitutional incapacity to get to the bottom of the facts and to understand the necessity of a sound foundation for an argument. . . . At Schreiner's subtle, metaphysical mind, with its endless burrowing into things, he never ceased to marvel, while admiring its remarkable, if somewhat laborious, comprehensiveness. 'When Treason Bill (as Merriman nicknamed him after the measure of that title) has done with a subject, you may be sure there is not

much guts left in it.' There can seldom have been two less compatible colleagues in the same Cabinet."

Shortly afterwards we find a concise entry in Merriman's diary : " De Wet's letter in House, moved vote of censure on Milner, lost by two." This refers to a letter from Merriman to his colleague at Dordrecht, which had been found by the military on the occupation of that town and sent to Milner. Merriman was Treasurer at the time and in frequent intercourse with the Governor at Executive Councils and on other occasions. Milner said nothing about the letter to Merriman but forwarded it to Chamberlain, who published it in a Blue Book, together with some letters from Sir H. de Villiers to his brother at Bloemfontein, for the publication of which special permission had been obtained. There was nothing discreditable or compromising in the letter, but Merriman naturally felt aggrieved at the manner in which it had been dealt with and moved a resolution deprecating the course pursued. There was a good deal of sympathy with his complaint and " the previous question," moved by Sprigg, was carried, according to *Hansard*, by a majority not of two but of three.[1]

Shortly after the prorogation of Parliament, a regrettable incident occurred, which gives some illustration of the prevailing sentiment in social circles. I have had much hesitation as to reviving any recollection of it ; but as the matter received a good deal of publicity and comment at the time, in both the Cape and the London press, it seems difficult to omit a word of reference. Merriman and his wife were among the guests invited to a garden party at Admiralty House at Simon's Town, which was largely attended by the " rank and fashion " of the Peninsula. Among the entertainments provided for the guests was a shooting gallery, and one of the targets, at which missiles were to be thrown, was a caricature of Merriman. This offensive proceeding the Merrimans naturally resented, and it was not till some

[1] According to the division list in the same publication, the majority was really 4. The matter is of little importance, but such discrepancies are curious.

time afterwards, and after a special interview had been arranged by the then Governor with the then Admiral, that their intercourse with Admiralty House was resumed. It seems incredible that, on an occasion when the Merrimans were the invited guests of the Admiral, such an incident could have occurred with his cognizance ; the Admiral himself, I understand, left the Cape Station immediately after this party ; but it was certainly unfortunate that steps were not promptly taken to remove the offence given. Irrespective of his high position, there was no statesman at the Cape who had given more support than Merriman to the navy, or was more deserving of every courtesy at the hands of its representative on the Cape station.

Some years before this affair, a motion in favour of a contribution to the Navy had been carried in the House without a division. Feeling on the subject was far from unanimous and the result of the debate was largely attributable to an impressive speech by Merriman, of which it is stated that no adequate idea can be conveyed by a perusal of the report in *Hansard*. " It was the duty," he said, " of a self-respecting country to defend itself ; by contributing to the cost of the Navy, South Africa would be moving towards its destiny of practical independence. Many of us," he said, " write and talk of our nationality. Our young men may see visions and our old men dream dreams ; but they would be vain visions indeed, and idle dreams, if the protecting might of the sea power of England were withdrawn." It was certainly lamentable that, at a season of public friction and social tension, a statesman, who had always emphasized the duty of contributing, *pro parte virili*, to the price of admiralty, should have been subjected to contumely within the precincts of Admiralty House.

Had members surmised that, before Parliament met again, there was to be another and far more extensive invasion of the Colony, involving the application of martial law, the spread of rebellion, and claims for compensation on a corresponding scale, it may be conjectured that the discussion of some of

these topics might have been postponed or curtailed. But at this period there was good ground for anticipating the restoration of some sort of peace at an early date. The capitals of both Republics were in military occupation. Kruger had sailed for Europe in a Dutch vessel from Lourenço Marques. Lord Roberts, acting under a Royal Commission, on 1st September issued a Proclamation notifying the annexation of the Transvaal and reported that the war was "virtually over." The British Ministry, relying on that virtue, took time by the forelock, and, though their majority in the House was unimpaired, thought the occasion had arrived for an appeal to the country. By this time there was a good deal of misgiving as to Chamberlain's handling of the South African problem ; but it was generally felt that the Government, who were responsible for the war, should also be responsible for the settlement which seemed to be drawing near. The result of the "khaki election," with the slogan, "A vote for the Liberals is a vote for the Boers," was to give the Conservatives a new lease of power. As the dying century hastened to its end there was little in the vista, either in South Africa or elsewhere, from which Merriman, and the "remnant" which thought with him, could derive much encouragement for the new era which was at hand.

Reverting to the Cape, nearly two years elapsed before Parliament was again convened. A renewed invasion of commandoes from the Republics swept over most parts of the Colony. Smuts, for instance, threatened Malmesbury, represented in Parliament by his father, and his horses, as Merriman put it, washed their feet in the waters of Table Bay. Martial law was extended throughout the Colony ; the farmers found their transport commandeered and had to get a special permit to leave their homes. In such circumstances the meeting of the Legislature at the prescribed date became impracticable and current expenditure had to be defrayed on warrants from the Governor.

The narratives of this unhappy time, and of all that

happened before the peace, are so copious and circumstantial that a work like the present must as far as possible be confined to matters in which its subject was directly concerned. Towards the end of 1900 a meeting of sympathizers with the Republics, organized from Capetown, had been held at Worcester under conditions which aroused grave apprehension of a conflict with the military. An Australian contingent, equipped with guns, had mounted guard over the town and any oratorical indiscretion might easily have led to a collision. Merriman, sensible of the danger of such informal gatherings, thereupon wrote to N. F. De Waal, suggesting that a representative meeting of the party should be convened at some central town, such as Beaufort or Cradock, at which there might be framed a "Grand Remonstrance," setting out grievances arising out of the conduct of the war—the condition of the concentration camps in which, owing to the burning of farms, it had become necessary to provide shelter for women and children, was at that time one of the chief topics of complaint—and the views of the party as to the conditions under which a settlement might be obtained. Merriman's own view was that a liberal measure of autonomy might still be granted to the Republics, subject to a general scheme of federation under the Crown. He proposed that a deputation should proceed to England and that, following American and Canadian precedents, application should be made for an audience at the bar of the House. De Waal and other leading members of the Bond concurred in this suggestion. A meeting was accordingly held at Beaufort on 7th January, at which it was arranged that Merriman and Sauer should undertake this mission, with the co-operation, if obtainable, of Hofmeyr, who had recently gone to Europe for medical advice and treatment.

In a letter to Mrs. Merriman senior, written on the following day, Mrs. Merriman gives a full account of this meeting. She says :

It was decided at their meeting yesterday that Jack, Mr. Sauer and Mr. Hofmeyr (the latter is in Europe) go to the British House to state case and ask for settlement. The extremists of our Party would hear of nothing less than unqualified Independence to be asked for. Jack put down his foot, said he would not go if that is what they asked for, as it would never be granted ; told them it was all very well for people in comfort and ease here to speak of " unqualified independence " but we must think of those who were sacrificing their lives on *both* sides and something must be done to put a stop to this war—to ask for independence was madness. We must ask for a settlement England could with honour give and the States accept. He refused to have anything to do with the movement except on those terms and they finally agreed to his idea. So now if it can be done we are supposed to go next week, but I am sure we shall be prevented. Nothing will surprise me less than if Jack is arrested when we get back to Stellenbosch. . . . Don't be worried should he be arrested and don't pity me. I shall feel *proud* if my husband as an Englishman is called upon to suffer unjustly for this cause. If I thought he had said or done anything as an Englishman that he ought to be ashamed of, I as a Dutch woman would be most miserable—but he stands forth as a noble upright Englishman who has nothing to fear, serving as we hope his God and his Queen as a faithful subject should, and I only wish more Englishmen could suffer unjustly in this cause as it will bring more hope for a union of the races in the future.

Mrs. Merriman's foreboding of detention was not fulfilled and they left for England in the following week. This was the beginning of a new century and the end of the Victorian age. Shortly after their departure the old Queen, after receiving a last report from Lord Roberts, had died at Osborne. On arrival, they found King Edward on the throne, keenly desirous that the day of his coronation should find his far-flung realm again at peace. The outlook, however, when they reached England was far from promising. Before starting, a cable had been received from Hofmeyr, then under treatment at Munich, declining to take part in the deputation. They now urged him to reconsider his decision, Merriman observing that " the only policy that might have a chance of acceptance by both sides would be

autonomy under their own flag for the Republics, coupled with a general Confederation of South Africa under the British Flag. We want to put forward a scheme that might commend itself to moderate people, and I deeply regret that your counsel and advice is not with us." On any such scheme Hofmeyr poured a cold douche in letters of some length, which have been fairly summarized in his biography. He expresses his conviction that no genuine autonomy was then to be obtained.

The British Government [he adds] has hitherto demanded nothing short of unconditional surrender ; the Republics on their side insist on complete independence. . . . Of one thing I am certain, viz. : that nothing you and Sauer or I could do in England would *at present* induce the English people to advocate a South African policy condemned by Milner and their own Government. . . . But no one would be more delighted than I if my prognostications proved false. I therefore wish you and Sauer the utmost measure of success. If I can be of any use to you from here, please to let me know.

Hofmeyr's pessimism was justified by the event. One of the first steps taken by the deputation was to seek an appointment with Chamberlain, with whom they had two interviews, of which Merriman recapitulates the tenor in the following letter :

We take this opportunity of expressing our thanks for the kind and courteous manner in which you have received us, and listened to the representations upon the South African question which we had the honour of submitting to your consideration.

At the same time we wish in order to avoid possible misunderstandings to place on record the conclusions to which we have been led by the interviews that you have so kindly accorded us.

We endeavoured to place before you the views and wishes of the large majority of our Dutch fellow colonists in favour of the restoration of the autonomy of the two Republics, subject to such guarantees as might seem necessary to prevent any recurrence of trouble.

We expressed our own opinion that such an arrangement would secure an immediate cessation of hostilities and would ensure a peaceful settlement.

We understood you to say in reply that any Settlement of this nature was out of the question, and that both the Government and the people of this country had decided on the annexation of the two Republics, and that any further discussion on this point would tend to no useful purpose.

We then took the liberty of pointing out that the proposal for the creation of Crown Colony Government was in every respect the one most likely to lead to future trouble, that it would be costly and inefficient, and that experience had shown that it was unsuited to the wants and wishes of a European community.

We did not conceal from you our opinion that such a form of Government would accentuate the feelings of bitterness now unhappily existing and would lead at no distant date to the recrudescence of serious trouble and danger in South Africa.

The advisability was also urged of adopting, as an alternative, and without delay a form of Settlement for South Africa based on the model of the Canadian institution which should, while providing for local self-government, confer on the inhabitants of that country the management of their own affairs, subject only to such restrictions as occur in the case of the Dominion of Canada and the Commonwealth of Australia.

It was pointed out that though this form of settlement fell short of the wishes of the Dutch population it promised a chance of the peaceful solution of a problem that is in every respect fraught with danger and uncertainty—while the conservative character of the Dutch population and their faculty for self-government would be the best guarantee against any revolutionary measures provided that they accepted and agreed to work under such a constitution.

In reply to representations on this matter we understood you to say that you adhered to the policy laid down of the creation of Crown Colony Governments in the two Republics to be followed at a greater or less interval by the grant of freer institutions.

We expressed and we have the honour to again express most respectfully our regret at this decision which will, we believe, be the cause of great future trouble in South Africa.

In conclusion we venture to add that we should esteem it a favour if you would cause us to be informed whether we have correctly interpreted the result of our respective interviews.

Chamberlain replied :

I beg to acknowledge your letter of the 27th ultimo, and to assure you that I am glad at all times to see gentlemen occupying

a representative position, to whatever section or party they may belong, who are willing to favour me with their views as to the situation in South Africa.

The summary of your remarks which you have been good enough to set out in the letter now under reply does not in all points agree with my own notes of our conversations, but I am quite ready to accept it as being a short statement of the views which, after full consideration, you now desire to put before me.

As regards my own part in these interviews, I do not think that there is any substantial point at issue between us.

I referred you to my speeches in the House of Commons on the 7th December and the 18th of February as representing the settled policy of H.M. Government.

I deprecated your description of Crown Colony Government, pointing out to you that it was under some form of this Government that all the self-governing Colonies, including the Cape and Natal, had advanced to the full enjoyment of their present political rights. I explained that the length of the interval between Military Administration in the Orange River Colony and the Transvaal, and the concession of self-government as established in Australia or the Cape, depended on the attitude of the people in the new Colonies ; and that it was the interest as well as the wish of H.M. Government that that interval should be as short as possible consistently with the security of British rule, the peace of South Africa, and the welfare of all races in the Colonies themselves.

I hope that I may rely on you to do all in your power to hasten the time when the bitterness of feeling caused by the war, and by the circumstances preceding it, will be forgotten, and when all the people of South Africa may unite to promote the prosperity of the Country under the British Crown.

To the student of the development of our Colonial Empire during the nineteenth century the difference of standpoint shown in this correspondence is not without interest. Chamberlain was apparently influenced by the precedents of other colonies, in which the evolution through representative institutions to full self-government had been a gradual process. The Cape, for instance, had obtained its constitution in 1854 but responsible government had not been established till 1872. In Natal, and in other Colonies, the process had been somewhat similar ; and he seems to have

conceived that the Boer Republics, becoming Crown Colonies on annexation, might be developed on somewhat similar lines. Merriman and Sauer took the view that the time had arrived to utilize the experience of the past, and that newly-acquired territories, with a sufficient European population to manage their own affairs, should be allowed to do so with no avoidable delay. It could not be expected, for instance, that in such matters as railway administration, tariffs and customs, the Cape and Natal should be free to shape their own policy, while that of their neighbours should be framed in London ; in other words it was essential that the status and administrative capacity of the four Colonies should be assimilated as soon as practicable. However advisable a settlement on these lines might be, there was much force in Hofmeyr's contention that there was little prospect of its realization till there was a new Minister in Downing Street and a new Administrator at Pretoria.

The deputation had not expected to derive much benefit from their communications with Chamberlain. They had a more sympathetic reception from leading members of the opposition, such as Lord Kimberley and Lord Aberdeen, Morley and Bryce ; but there seemed to be no disposition to challenge the policy of annexation in the House. As to the question of an audience at the bar Bryce, as well as Reid (afterwards Lord Loreburn) had given their help and the latter drafted a petition for presentation to the House. Bryce explained the position to Merriman in the following letter :

I feel strongly the truth of what you say regarding the delay which has occurred and the position in which it places you and Mr. Sauer ; so am the better pleased to be able to tell you that after a long discussion which we had to-day we arrived at a conclusion which Sir H. Campbell-Bannerman will communicate to you. I believe he hopes to see you within the next two or three days to convey to you our view so that you may then decide at once on your course.

For those of us who desire that your views should be expressed in so public a way, and who think it would do good in England that you should be heard, it is an easy matter to decide that we

personally would support your request. What is more difficult is to determine whether it might not do serious harm for you to apply *and be refused*, as I fear you certainly would. There would be a debate ; angry and mischievous things about South Africa would be said : the effect there might be, as a refusal of your request would follow, to exasperate feeling still further. You can, however, judge of this much better than we here can do. As regards English opinion in the country generally, *i.e.* outside Parliament, there is a plain change for the better.

After further discussion the petition was handed in by Reid but, in view of the attitude of the Government, it was thought best not to press for a personal hearing.

There remained the question of an appeal to the public. As Bryce had put it (*supra*) at this time (March, 1901) in English opinion there was " a plain change for the better." The news from South Africa was also somewhat more favourable. Kitchener had arranged a conference with Botha at Middleburg and had there suggested terms of settlement which might have proved acceptable as a basis. The proposals, however, fell through. Chamberlain and Milner would make no concession on the question of representative government in the Transvaal or on that of an amnesty for the rebels at the Cape ; and the guerilla war dragged on for another year. No definite report of these abortive negotiations seems to have reached home—the censorship of the press was then very rigorous—when Merriman and Sauer, having failed in their appeals to the Government and the Legislature, tried to get a hearing from the public. What they advocated was a constitution for South Africa, somewhat on the lines of the Australian Commonwealth, which had just been established, with a liberal measure of self-government for each of the component States.

It was difficult, however, to explain such proposals to a popular audience. The " Jingo " element was still strong and noisy ; " pro-Boer " was still the most contumelious of epithets. Lloyd George had made a daring assault on Chamberlain's citadel in the Midlands, but had to beat a

retreat from the Birmingham Town Hall, equipped with a truncheon and disguised as a policeman. Birmingham was among the cities visited by Merriman, who would have been rather a difficult person to disguise, as a policeman or otherwise ; but the South African speakers seem, as a rule, to have been allowed to have their say without serious interruption. Merriman spoke at Birmingham, also in the Town Hall, on 17th April ; the meeting was held under the auspices of the Democratic League and a full report appeared in the *Manchester Guardian* ; " many of those present," the reporter states, " were hostile to the views expressed by the speaker." After speaking with Sauer at the annual meeting of the Liberal League at Westminster, Merriman went north and spoke at a large meeting in the Waverley Hall at Edinburgh at which Mr. Shaw (now Lord Craigmyle) presided. They also spoke at two meetings in the London suburbs ; in the Battersea Town Hall they are said to have been very well received by a large audience.

After a farewell banquet at the Holborn Restaurant they were invited to attend another meeting at the Queen's Hall, promoted by Miss Hobhouse and others, at which Labouchere had agreed to preside. Shaw thought that such a meeting, after the deputation had made their adieu, would be rather in the nature of an anti-climax ; and Labouchere, with his experience of the lambs of Nottingham, wrote to Merriman much in the same sense. " I have presided," he says, " at unpopular meetings . . . but we have always packed them. This is by no means a simple task. It is done through the Democratic Clubs, and the Hall is filled with so-called stewards before the doors are open to the public. I doubt if this could be done in the present instance. . . . Personally I have no objection to a row, but I doubt whether this would be expedient at the present moment." Notwithstanding much pressure from the promoters Merriman, while wishing them a complete success, thought it best not to attend. Sauer, however, went and spoke. Some time afterwards I had some conversation with Mr. Lloyd George

about South African topics, in the course of which he referred to this meeting and spoke with admiration of the coolness and composure with which Sauer had confronted an unsympathetic audience. Merriman thought it a hopeless enterprise ; Sauer described the meeting as " the most satisfactory I have ever addressed ; there were 33 casualties." Whether the propaganda carried on by the mission during their visit to England in any way stimulated the reaction in public feeling, already referred to, can only be matter for conjecture ; at the time there was no indication of any tangible result.

CHAPTER XII

PROPOSAL TO SUSPEND THE CONSTITUTION

Merriman returns to Schoongezicht—Friction with the military—Death of Rhodes—Peace signed at Pretoria—Proposal to suspend the Cape Constitution—Supported by Milner and many of the Cape Progressives—Sprigg demurs—Protests by De Villiers as President of Legislative Council and Berry as Speaker—Colonial Conference in London—Attitude of other Premiers—Proposal abandoned—Cape Parliament resumes—Merriman's resolution condemning proposed suspension—Supported by Sprigg and carried without a division.

During the absence of this deputation there had been some important administrative changes at the Cape. Milner had gone to Johannesburg where, under a dormant Commission, he had combined the position of High Commissioner with that of Governor of the new Colonies. For the first time, the High Commissionership was separated from the Governorship of the Cape. Hely-Hutchinson, Governor of Natal, was transferred to Capetown, where he remained till Union. Merriman, on his return, experienced some of the amenities of martial law, which in his case seems to have been set in motion by the local military authorities with little courtesy or consideration. On reaching Schoongezicht he was at once informed that he should have reported his arrival to the local Commandant. He replied : " I learn from the Magistrate that it is required that I report myself as having arrived in this district. I was not aware that this formality was required or I should have done so. I only arrived from England on Wednesday and came out here—previously ascertaining that no permit was required—yesterday." It was necessary for him to visit Capetown weekly to attend the meetings of the Board of his Insurance Company. For this purpose he obtained passes available for one month, but in the course of the month the Commandant wrote to him : " The bearer of

this is a sergeant in D.M.T. Be good enough to hand him your monthly permit and do not leave your farm till further notice."

What was the pretext for this order does not appear, but Merriman at once appealed to the Governor, observing that he had been repeatedly warned that if he returned to his home he would probably be molested out of revenge for the views he held. He continued :

> . . . I was so entirely conscious of not having in the smallest degree done anything contrary to my duty as a British Subject or in contravention of the oath that I have taken as a member of the Executive Council that I returned with my family some six weeks ago. Since then I have lived quietly on my farm, pursuing my avocations, and though naturally annoyed at the restrictions to which in common with other inhabitants of Stellenbosch I have been subjected—among others the opening of my wife's private correspondence—I have endeavoured to carry out the prescribed regulations. Owing to the courtesy of the Magistrate I was furnished with a monthly pass to travel on the Railway as my business requires my presence in Capetown once a week. This morning, Sunday, I was interrupted by two men fully armed who handed me the following document (copied above). Immediately afterwards patrols of armed men were placed round my farm. Passing over the insult conveyed in this message and the manner in which it was communicated, I would submit to Your Excellency as the Head of the Civil Government in this Colony and as one to whom every British Subject has a right to appeal for justice, whether this is the treatment that one who like myself has been a Justice of the Peace for the Colony for many years, and for more than 25 years a member of the Executive Council, has a right to expect. I will go further and say that to arrest a British Subject by armed force without warrant is something so entirely contrary to the fundamental principles of English Rule as well as to the Charter of Justice of this Colony that I cannot for one moment believe that such a proceeding has the sanction or countenance of Your Excellency. I therefore appeal to Your Excellency to remove this stigma from me and to secure to me that liberty and freedom of action which every British Subject, not convicted of crime, is taught that he has a right to expect.

The Governor replied that he had no authority but had

spoken to the General, who had promised to look into the matter. This letter was opened by the Censor and took two days to reach the addressee. There were more *tracasseries* with the military on which it would be unprofitable to dilate. On more than one occasion he was prevented from attending the meetings of his Board and lost his fees, and some weeks elapsed before his freedom of movement was restored. During all this time all correspondence was rigidly censored, and we can scarcely be surprised that the documentary evidence of his sayings and doings for the remainder of the year is meagre and unimportant.

The next matter which aroused Merriman to exert all his energy and capacity was the movement for a suspension of the constitution of the Colony. Started in obscure circumstances in the middle of 1901, the project apparently had died stillborn ; but at the end of the year, when there were indications that hostilities could not be much further prolonged, it seemed to have come into the category of " practical politics." A petition in favour of suspension was signed by some forty members of the " Progressive " party, including Rhodes, who thought that advantage should be taken of the period of transition, while the former Republics were administered as Crown Colonies, to press forward the plan he had always had in view for the federation of South Africa. It may perhaps be doubted whether Rhodes at that time was able to give much thought or reflection to such matters. The malady from which he had so long suffered had of late been aggravated, and he was not destined to witness the last phase of the struggle of the occurrence of which he had been so sceptical.[1] In the vain hope that the sea breezes of False Bay might give some relief to his failing breath he was taken to his cottage at Muizen-

[1] In the office of a Capetown newspaper there is still preserved a report, revised in his own hand, of a speech delivered by Rhodes at Claremont in 1898. One of his revisions to the original report, with the inadequacy of which he was much dissatisfied, ran as follows : " You may take it from me that President Kruger will bluff up to the last moment, but he will never declare war "—which was just what he did ! (See *Cape Times*, 21st April, 1928, " Notes by the Way.")

berg, where he was tended to the last by Jameson ; the great spirit left its earthly tenement on the 26th of March. The body was borne away in a state funeral for the long journey from the Cathedral at Capetown to the World's View in the Matoppos. In replying to a letter from a friend making some reference to the event, Merriman writes : " Thanks for what you say as to my appearance at Rhodes's funeral. I suppose that in all that huge crowd, with the exception of his brothers, I had known him longest—since 1871."

The agitation for suspension was not arrested by the death of Rhodes. A Petition to the Crown, bearing the signatures of 37 members, was forwarded through the Governor to the High Commissioner. The governing idea seems to have been that in the new Colonies, where opinion was then malleable and status undefined, a well-devised scheme of federation would encounter small resistance, while the consent of Natal, which was claiming an expansion of territory at the expense of the former Republics, might be secured with little difficulty. The Cape Parliament, on the other hand, might present a serious obstacle to such proposals. On the conclusion of peace, its meeting could not be long deferred, if only to secure the necessary indemnities for unauthorized expenditure and proceedings under martial law. Since the last prorogation sundry vacancies had occurred which it had been impossible to fill up while martial law was in force throughout the Colony. There were grave doubts as to the spirit in which the Legislature might assemble and as to the Government finding itself in possession of a working majority. The suggestion was therefore made that, instead of summoning Parliament, a nominated Council might be constituted with legislative powers, which would frame measures for a new registration, involving the disfranchisement of many rebels, and a redistribution of seats. There would then remain no serious obstacle to the establishment of federation on lines acceptable to the Colonial Office ; responsible government

could be restored at the Cape and similar institutions established in the new Colonies.

Such was, in substance, the programme of what may be described as the Right Wing of the Progressive party—those who had looked to Rhodes as their leader and were now disposed to accept Jameson in his place. They numbered more than one third of the House and had for some time been in touch with the High Commissioner. The memorial was sent to him at the beginning of May, while the Republican leaders were in conference at Vereeniging, and through their representatives with Kitchener, as to the conditions of the proposed accommodation.

Milner, on being requested to send the petition home with his own support, must have felt a good deal embarrassed by the terms of the Proclamation issued over his own signature on the outbreak of hostilities (11th November, 1899), by which the Colony had been assured against any interference with its constitutional privileges. Such assurances he presumably regarded as having been abrogated by the subsequent rebellion, or at all events so qualified as to justify the temporary suspension now advocated by a large proportion of the Legislature, and supported at public meetings held in the principal centres throughout the Colony. He therefore forwarded the petition with a supporting dispatch and at the same time wrote an unofficial letter, giving the reasons for his attitude, to Hely-Hutchinson at the Cape. This letter, dated 19th May, was published at Capetown on 30th May. The day before, Sir T. Smartt, the Commissioner of Crown Lands, Sprigg's most influential colleague, had left the Cabinet in order to have a freer hand in support of the new policy ; the day after, peace was signed at Pretoria.

In these circumstances, it was clear that much might hinge on the attitude of Sprigg, to whom official life, even with very limited powers, had always been the lodestone of his career. He still liked to pose as the Master of the Colony. To him these proposals must have presented some attractive features. He might well have expected to find himself in the position

of President of the proposed Council, with the prospect of a new lease of power under the amended constitution. But as a good Parliament man, steeped in the atmosphere and traditions of public life, he viewed with misgiving the break in such traditions which the new model involved. On the whole, he must be credited with courage for expressing that misgiving before leaving for England to attend the Coronation of the King and the Colonial Conference which had been convened—the more so as the proposals had been approved by Hime, the Prime Minister of Natal, and also by Seddon, Prime Minister of New Zealand, whose support had been gained by the promoters when he touched at the Cape on his homeward journey.

Meanwhile, the anti-suspensionists had not been idle. On the publication of Milner's letter to the Governor, De Villiers, as President of the Legislative Council, and Berry as Speaker, acting no doubt in consort, had simultaneously addressed the Governor in letters of emphatic protest against any interference with the constitution of the Colony ; they asked him to forward these letters to the Colonial Secretary. By the next mail De Villiers wrote unofficially to Chamberlain, intimating his willingness, if necessary, himself to step into the breach. " I believe," he wrote, " that if Parliament is called together, it will astonish its detractors by its patriotism, loyalty and self-restraint. I am so convinced of this that I am prepared to undertake that if the next session should not have that result I will resign my Chief-Justiceship, re-enter political life, and as a private member use all the influence I possess in inducing the Dutch members to work harmoniously with the Imperial Government and refrain from all occasions of offence." Fortunately perhaps for his reputation, no need arose for him to leave the bench, which he had so long occupied with so much distinction, and descend into an arena where he was perhaps less qualified to shine.[1]

While Chamberlain's attitude to these proposals remained in doubt, and perhaps may be said to have hung in the

[1] The text of these letters will be found in Walker's *Life*, 396-9.

balance, it seemed advisable for their opponents to appeal for support on the other side. The mail by which De Villiers wrote to the Colonial Secretary also conveyed a long letter from Merriman to Morley, severely criticizing Milner for his public approval of the petition.

> I totally disagree with Lord Milner [he writes] in his alarm at political discussion. It is perhaps one of the greatest safeguards of the parliamentary system that the language of any orator must be tempered by the sense that a time may come when by a transference of political power the responsibility of action may be thrown upon the speaker. It is not to Parliament that we must look for the real danger of seditious speaking, nor will it be removed by the abolition of that most useful safety valve.

He added that there had been no organized attempt in the Colony to subvert the Government, and nothing in the nature of a general rising during the republican invasion. In this and other letters written at this period Merriman confutes in detail the various grounds on which it had been proposed to suspend the system of responsible government. Further quotation from this correspondence seems superfluous especially in view of the striking speech on the subject which he made in the ensuing Session.

As Chamberlain doubtless realized, the Opposition in the House of Commons would have found abundant matter for attack had he proposed any such legislation as had been contemplated by the petitioners. While giving full weight to the backing they had obtained from the High Commissioner, he must have been impressed by the fact that Sprigg, with his long experience, felt able to carry on without any dislocation of the parliamentary machine. Not less significant was the emphatic disapproval expressed at the Conference by Sir Wilfrid Laurier, the experienced Prime Minister of the Dominion—where the memory of so many past controversies must have been revived by the crisis in South Africa—and by Sir Edmund Barton, the first Prime Minister of the Commonwealth ; Sir R. Bond, representing Newfoundland, was of the same opinion. After the Con-

ference no more was heard of " the new model." Chamberlain wrote a reassuring letter to De Villiers and decided—setting a useful precedent which has been followed by some of his successors—to take an early opportunity of visiting the new Colonies and examining the South African situation on the spot.

Sprigg returned to the Cape and the Session began in August. There had been several changes in the long interval since the last prorogation. Rhodes was no longer there. Other vacancies had been caused by death, resignation, and the absence without leave of two members who had left the Colony and were understood to have joined the enemy. Merriman was no longer confronted by the array of legal talent to which he had been opposed in 1900. Solomon had gone to the Transvaal as legal adviser to Lord Milner ; Innes had followed him as Chief Justice of the new Supreme Court at Pretoria ; Schreiner, at issue with his constituents on the question of amnesty, had resigned his seat for Malmesbury. On the other hand, he had gained a useful recruit in Burton, a rising advocate at the Cape, who had gained favour with the Boers by his able defence of many of the rebels before the itinerant Special Court.

The main proposals of the Government were for Bills of Indemnity for things done under martial law, for the failure to summon Parliament within the prescribed period, and for the unauthorized expenditure which had been incurred. The debate on martial law naturally produced many complaints of alleged hardships and oppressive action by the military authorities. In the previous Session, the discussion on martial law and its concomitants had referred only to its operation for a few months in a comparatively small area ; it now ranged over a much longer period and embraced almost every district. On the progressive side objection was taken to the Government proposal to appoint yet another colonial Commission of inquiry, it being contended that the special tribunal already set up, and actually in operation, was sufficient for the purpose. In the end this proposal was

not proceeded with, while the attention of members was concentrated on the arrangements for securing compensation for all damage sustained by the inhabitants of the Colony, whether attributable to the military or the enemy.

Such discussions inevitably entailed many acrimonious charges and retorts, and invidious personalities. Jameson, in the course of an effective speech, observed that these debates, like those of the former Session, afforded " some justification for those who, thinking at first it was the only remedy, had applied unsuccessfully for suspension. It was simply that the country might have rest, and that we might get on in a quiet manner to the preparation for the future federation of this country, upon which alone its rapid and full development depended. . . . They had further agitated that there should be no meeting of Parliament for some time until the country had quietened down again, and, as the debate went on, and the Dutch members, one after another, got up and gave them those harrowing details . . . he thought that they had not agitated for the postponement of Parliament without due cause." Such was the standpoint of the suspensionists. Merriman contended, not less forcibly, that such utterances, made under a sense of parliamentary responsibility and subject to the rules of parliamentary order, acted as a safety valve for feelings which, if left to smoulder, might have led to permanent estrangement ; it is always wiser to keep your safety valve open than to use it as a seat.

When indemnifications had been got out of the way, Merriman thought the time had come for the Legislature to express its opinion on the movement by which its existence had been threatened during the recess. He therefore proposed a resolution approving of " the action taken by the Prime Minister in defence of the rights of self-government in the Colony, protesting against the agitation carried on against those rights, and expressing the opinion of the House that the deprivation of the same would be most prejudicial to the peace and prosperity of South Africa."

His speech, reprinted in London in pamphlet form,[1] was a fine specimen of parliamentary oratory, from which it is difficult to make any brief extracts for quotation. He naturally criticized with much severity the intervention of the High Commissioner in the political system of the Colony, and the arguments by which, in an interview with some of the petitioners, and in his letter to the Governor, he had supported the movement for suspension. At that time—immediately after the treaty of peace—the danger to the Cape Constitution had been indeed considerable. The suspensionists had been strongly backed in public meetings and the public press. Had Sprigg and his colleagues been a little more amenable to pressure, had Chamberlain been more confident of support in the House, and had it not been for the emphatic negatives at the Colonial Conference, a Bill might well have been introduced at Westminster, further postponing the meeting of the Cape Legislature and conferring wide powers of taxation and legislation on an interim executive constituted *ad hoc*. After a warm eulogy of the attitude of the Prime Minister, Merriman continued :

It might have been supposed that, after the declaration of the Prime Minister, the thing would have gone no further. No, Sir, these misguided men kept up an agitation of the most pernicious and mischievous kind. I wonder what effect they expected their efforts would have, if they had succeeded, upon the relationship of the races in this land. If they had succeeded they would have so embittered race prejudice that they would have rendered the future settlement of South Africa absolutely hopeless. Consider, for a moment, the position at the time. The great struggle which had rent South Africa in twain, which had brought misery into every household, was at an end. The foundations of society had been shaken for three years. A brave race had struggled vainly, but had at last surrendered, not with dishonour, but in a manner which did them infinite credit, with dignity and

[1] There is said to have been some difficulty in finding a printer to undertake the work in Capetown ; the citations are taken from the reprint. It should perhaps be mentioned that citations from the Cape *Hansard* are often unsatisfactory, as that publication is merely a reproduction, seldom revised, of the daily reports in the *Cape Times*.

self-control accepting the decision of fate. There was an infinite pathos in the situation which would have appealed to any man with a spark of chivalry in him. This people had lost, they had suffered ; everything was gone. We hoped that at last there were brighter days in store, that there was something like finality in the affairs of this distracted country, that it was possible the dream which most people who have mixed in public life have dreamed—of a great, free Parliament for the whole of South Africa, under the British flag—was no great way off. The attitude of our late foes had encouraged these hopes. I had the good fortune to talk to some of those gentlemen. . . .

I had the pleasure of meeting General Smuts, a man who would do credit to any country in the world—first in the schools, first in the field—and when he talked to me I was pleased to find that although, of course, he felt deeply having lost the cause for which he had struggled, he was prepared to accept the future, and to look forward, as I did, to a united South Africa under the British flag. And I venture to say that if ever we get that central Parliament, Mr. Smuts will play as distinguished a part in it as he has in every other avocation of his life.

The whole attitude of the Boer leaders was the same. They deprecated ripping up the old grievances and said they must look to the future. And so every right-minded person thought there was finality in this settlement, and that we could look forward to a united South Africa, that we might become one of those great self-governing communities like Australia and Canada, when we would be mistress in our own house, in which there would be the fullest freedom and the greatest liberty.

That, Sir, was the time seized for this most virulent and insulting agitation, and ripping up all the miserable allegations that have embittered private intercourse for the past three years. . . . I have spoken of the foundations of society having been shaken. In South Africa during the last few years we have had the conventionalities stripped off and seen the natural forces that underlie society. We have had carnage and rapine stalking through the land, and then, just as we thought we were out of it all, just as we seemed to be within reach of the promised land, we had our dream rudely disturbed, and our troubles started afresh.

Merriman was perhaps too sanguine in supposing that the sentiments of those with whom he had conversed were typical of those of the mass of people who had fought so stubbornly for their independence or of those colonists at the

Cape who had given them sympathy and support ; but he was clearly right in thinking that the best chance of their propagation lay in the maintenance of a policy based on the broad lines of conciliation and self-government. He proceeded to refer to the circumstances which had led to the American Declaration of Independence, and, among other precedents, to those supplied by the history of Canada, where the enlightened policy of Lord Elgin, maintained under very discouraging conditions,[1] had built up the fabric of colonial self-government of which the foundations had been laid in the Durham report. It might well have been presumed that this doctrine, built up in the middle of the nineteenth century and fortified by so many subsequent precedents, would have been immune from aggression in the century which was to follow. But Merriman thought that in all the circumstances a solemn protest against the attempt was neither superfluous nor inopportune.

Sprigg, in the course of the debate, explained his position and went back to the days of Sir Philip Wodehouse when, before the establishment of responsible government, he had carried a motion for the rejection of a proposal for the abolition of the bi-cameral elective legislature and its replacement by a single Chamber partly nominated by the Governor. He concluded by expressing his conviction that " if the House would support him in the position which he had taken up . . . they would speedily be enabled to forget the past . . . and to work as one people, English and Dutch, for the good of the whole country. He took up that position above all because he was an Englishman, and being an Englishman he knew it was the freedom of the people by which they would be enabled to achieve success. He was convinced that no Government under the British Crown would ever fail in its endeavour to promote the prosperity of

[1] For details see Keith, *Responsible Government in the Dominions*, vol. i, pp. 17-20, ed. 1912. " It was certainly," he says, " Lord Elgin who first consistently applied the maxims of responsible government in practice . . . when he left Canada he had given a clear and convincing example of all that was best in responsible government."

the people as long as it proceeded along the broad lines of trusting them and giving them freedom and liberty of speech."

Sprigg's peroration is reported by *Hansard* to have been acclaimed by " loud opposition cheers," and Merriman had the satisfaction of seeing his resolution adopted, after a somewhat perfunctory debate, without a division. To Sprigg the situation throughout the Session was less satisfactory. On any contentious matter he had to rely on the votes of those who sat on the opposition benches. However, he got his supply—including a vote, not for an ironclad, but for an addition to the Colony's modest contribution to the Navy—and concluded what proved on the whole a normal Session by explaining the arrangements which had been made for the visit of the Colonial Secretary.

Parliament was prorogued in November. Shortly afterwards, just as Chamberlain was leaving England in the Good Hope for Natal, we find Merriman writing to Sir Wilfrid Laurier :

> Believing as we do that the opinions expressed by you and your colleagues have had much to do in guiding the Colonial Secretary in his determination not to appeal to the British Parliament to destroy our liberties by an Act of Parliament that would have recalled all the worst features of the North American colonial period, I take the liberty of writing, though somewhat tardily, to express my thanks for your action. Our session has just concluded and has happily justified the judgment of those who believed that free speech is a better remedy for any kind of trouble than autocracy. I wish I could believe that the designs upon our constitution are at an end, but the matter is treated in the press as if it were an open question to be decided by a hasty scamper of Mr. Chamberlain through South Africa. Should any movement unfortunately be made it will open up the whole question of responsible government in its relation to the Parliament of Great Britain and may have far-reaching consequences. I hope we may still rely on your powerful aid should such a dire contingency take place.

On this topic, and at this stage, he seems to have disquieted himself in vain. After the proofs of " normalcy " which the Legislature had supplied it was immune from any further attack. Suspension, as Disraeli once said of Protection, was not only dead but damned.

CHAPTER XIII

CHAMBERLAIN AT THE CAPE : THE ASIATIC QUESTION

Chamberlain at the Cape—Receives a deputation from the South African party, introduced by Merriman—Speech by Hofmeyr—His relations with Chamberlain—Customs Conference at Bloemfontein—Labour difficulties on the Rand—Introduction of Chinese coolies—Merriman's resolution against their importation carried unanimously in Cape House—His views on the native question and the introduction of a new Asiatic element—Correspondence with Solomon at Pretoria—Difficulties of Sprigg Ministry—Burton's motion for further inquiry into the operation in certain cases of martial law—Its adoption regarded as a Vote of Censure—Ministers fail to obtain supply and Parliament expires by effluxion of time.

On arriving at Durban, Chamberlain proceeded to visit the new Colonies and did not reach the Cape till February. In January Merriman had been in correspondence with Sprigg on the subject of ministerial pledges given during the Session for a further amnesty of persons still under detention for political offences and for the appointment of a colonial Commission of Inquiry into the administration of martial law. As to the first point, Sprigg explained that progress had been, and was being, made ; as to the latter, there was some difference of opinion and he was not yet in a position to give a definite answer. Merriman observed that :

> In consequence of these pledges I and those who were acting with me strove, not without success, to minimize discussion on the many cases of hardship that constituents were urging members to bring under the notice of Parliament. In this we acted in perfect good faith, believing that no good purpose would be served by an angry discussion of grievances, but the waiving of the undoubted constitutional right of every subject to look to Parliament for redress was only obtained on the promise of a thorough inquiry by a competent tribunal at no distant date.

It appears that the Colonial Office had demurred to the setting up of any more Commissions and the matter had

apparently been postponed for personal consultation with Chamberlain on his arrival. There was clearly much to be urged on both sides of this question; but a pledge had certainly been given, and its breach in the end proved disastrous to the Cabinet.

Before reaching Capetown, Chamberlain had addressed meetings at other centres, at which he expressed his regret that so much ill-feeling still subsisted in many districts, as was evidenced by so many cases of boycotting and ostracism of those who had joined town guards or in other ways proved their loyalty during the war. At Capetown, in February, he received a large deputation of the "stalwarts" of "the South African party," as the Bond was now designated, at which an address, setting forth their views, was presented by Merriman. This address was couched in somewhat polemical language, which Hofmeyr and Schreiner had vainly sought to soften. It concluded, however, with the expression of the hope "that the time is not far distant when the population of British South Africa may be united in one Legislature with a free government on the model of the Commonwealth of Australia and Canada. All our policy and aspirations are devoted to this end. To have contributed to this great object, and to have laid the foundation upon which such a State may arise, by the spontaneous efforts of the people of South Africa, would be no unworthy outcome of your visit, and that it may tend to this desirable consummation is the earnest wish of those who address you"—a sentiment in which Chamberlain, in a long and very able reply, expressed his cordial concurrence.

Before Chamberlain's reply Hofmeyr, who had now emerged from his retirement, made a conciliatory statement, previously approved by the delegates, in which he intimated that a special appeal would be issued from the headquarters of the party, and circulated throughout the country, for the discontinuance of all acts, words or gestures calculated to promote or continue estrangement between the two sections of the community. Chamberlain, in his reply, described this

statement as " admirable in spirit, and calculated to make more for that peace and goodwill which ought to prevail amongst all classes than anything said or done up to the present time." During the rest of his stay Chamberlain, rather to the chagrin of the Progressives, remained in close touch with Hofmeyr and continued to correspond with him after setting sail for home. Largely owing to his representations, the great bulk of the political prisoners were discharged from gaol before the end of the following month. In his last letter, written from London in June, Chamberlain mentions that " at the present moment I am, as you will have seen by the newspapers, in the thick of a new fight, which I have provoked in pursuance of my anxious desire to promote closer union between the colonies and this country." He had indeed left the Cabinet and was campaigning the country, with Asquith in hot pursuit, in favour of a revival of that policy on which I have already recorded the verdict of Disraeli. Such was the last phase of a career—from Radical to Unionist, from Imperialist to Protectionist— which had exercised so profound an influence on the politics of his age.

Shortly after the departure of Chamberlain, a momentous step towards federation was achieved by a Customs Convention, convened by Lord Milner, which met at Bloemfontein in March. To this Convention delegates were sent by all the Colonies ; Southern Rhodesia and the Native Territories were also represented. Under the tariff there proposed, preference was to be given to British goods and reciprocal preference offered to other parts of the Empire. A proposal was also adopted, " in view of the coming federation," for the appointment of a Commission to investigate the position of the native territories. On the meeting of Parliament in June, Sprigg gave notice of a motion for approval of the Convention, which was warmly opposed by Merriman and others, mainly on account of the scheme for a preferential tariff.

Such Conferences as this always gave rise to a constitutional dilemma in the case of Colonies enjoying parliamentary government. As between the delegates of each Colony, in

the give-and-take of discussion, it became necessary from time to time to acquiesce in proposals not falling within the scope of their instructions. If Parliament confirmed their action taxation might result for which it was not primarily responsible ; should it decline to do so, the benefits of agreement would be lost or their attainment indefinitely postponed. On the present occasion, Merriman complained that " the Constitution was practically suspended. They had the taxation of the people settled in secret conference, because the two great sources of taxation were customs and railways. Both of those things had been taken out of the hands of that House, and settled elsewhere, so that even with the Constitution for which they made the welkin ring they were not to have the power of dealing with their own affairs." After a long debate, an amendment for " approaching the other parties to the Convention with a view of removing the principle of the preferential duties and obtaining " other modifications in the tariff, was defeated only by the casting vote of the Speaker. The original motion was then adopted and a step forward taken in the economical *rapprochement* of the parties to the Conference.

Among the questions discussed at this Convention was that of the supply of native labour for the working of the gold mines, both in the Transvaal and in Southern Rhodesia. It was essential that the exploitation of the Witwatersrand should be resumed as promptly as possible. The mining companies as a rule were not rich propositions ; in most cases it was only by strict economy that they could show any profit. A large amount of capital, invested in the mines, had long been lying idle. An attempt was made to reduce the rate of wages. The natives, however, had done very well during the war ; they had got good prices for their crops and had been well-paid for services rendered. They were in no hurry to return to the mines and gain a hazardous living under unpleasant conditions in the bowels of the earth. The supply of labour from other parts of Southern Africa, such as Mozambique, was meagre and uncertain ; and, in all the cir-

cumstances, the Conference consented, not without reluctance, to the introduction of indentured labourers from China.

Sprigg, on behalf of the Cape, had demurred to this proposal. While the Convention was being debated, Merriman moved a resolution deprecating such importation as " prejudicial to the interests of the people of South Africa." He referred in his speech to the difficulties which had arisen in Natal from the importation of indentured Indians and also to the consequences of Chinese labour in Australia and California, as described by Professor Pearson in his work on *National Life and Character*. For once in a way Merriman found that all sections of the House were with him. Smartt expressed his entire agreement with " the splendid speech of the member for Wodehouse " ; Sprigg thought it should be possible, if the natives were well-treated, as they were at the Cape, to obtain sufficient labour for the mines without going out of the country. The resolution was carried unanimously, and it was agreed that the Governor should be asked to transmit it, with a supporting minute from the Ministry, to the Secretary of State.

Apart from this question, the position of the Government throughout the Session was far from comfortable. Parties were very evenly balanced. They could not rely on the support of the Progressives, under Jameson and Smartt, whom they had estranged on the question of suspension ; the attitude of the Opposition was rather critical than cordial. In order to keep their seats on the Treasury Bench they had often to execute a sort of egg dance ; but on the whole, till the last days of the Session, when Parliament was about to expire from effluxion of time, it seemed probable that they would be able once more to appeal to the country as " the Sprigg Ministry of the day." In accordance with his usual practice in such circumstances Sprigg had introduced a Railway Extension Bill, for the construction of a number of new lines. The Bill had gone to a Select Committee and been reported with certain amendments. The Government seemed in fairly smooth water, when a motion was introduced

by Burton for the appointment of a judicial Commission to inquire into certain cases in which fines had been paid under martial law and further to review certain cases in which claimants before the compensation courts were aggrieved by the rejection of their claims or the alleged inadequacy of the awards. There were obvious objections to setting up any more Commissions ; but there were so many dissatisfied claimants in all parts of the Colony that the pressure put on members of all shades of thought to support this motion was very considerable, and it was carried by a substantial majority.

The Government regarded this defeat as a vote of censure and proposed to drop their other measures and, supply having already been voted, to wind up the business of the Session by passing the Appropriation Bill. The Opposition were willing to adopt this course, but only on the understanding that the Railway Bill should first be enacted. On this point the Government was again defeated, and the upshot was that Parliament was prorogued, and shortly afterwards, expired by effluxion of time, without due provision being made for current expenditure during the recess, an unconstitutional proceeding against which, needless to say, the Opposition raised an emphatic protest.

The five years of the tenth Parliament had left a deep mark on the history of South Africa. They included the period of the war. There had been a season when the sitting of the Legislature had been suspended ; after the war was over, an attempt had been made, with influential backing, to suspend the Constitution of the Colony. During the clash of arms, Merriman, faithful, as he thought, to the traditions of his country, had upheld the cause of a people " rightly struggling to be free." By his attitude he had estranged many friends ; he had suffered much obloquy and endured many insults. Now that a settlement had been effected his one aim was to promote concord, to dissipate rankling memories and knit the people together, not by adventitious pressure, but by the spontaneous action of a free community.

With this end in view, he felt that much would depend on the attitude of the clergy, many of whom had been antagonized by the arbitrary action and tactless proceedings of the local military authorities under martial law. After the dissolution of Parliament there had been a meeting of the Synod of the Dutch Church, at which some members had expressed their sentiments in terms only too likely to embitter the feelings of their flocks in the ensuing elections. In these circumstances Merriman, who was a great letter-writer, sent an earnest appeal to the Moderator (Rev. J. H. Hofmeyr) in a long letter from which a full citation may perhaps be admissible :

I have read [he says] with the deepest pain the discussion that took place in the Synod upon Martial Law as reported in the daily press. In saying this I trust that you will acquit me of any lukewarmness or indifference on this matter. In season and out of season, upon all occasions, I have lifted up my voice in protest and in condemnation against abuses arising from the administration of Martial Law ; and recently, on the occasion of the visit of the Colonial Secretary, the party with which I act took occasion to give a strong expression of our convictions on the subject in our official address.

For the part that I have taken I have earned the abuse of many and the undeserved stigma of being an enemy of my own country. As you know I, and the party with whom I act, strongly advocated a commission of inquiry and succeeded in obtaining a pledge that such a commission should be appointed. This promise was shamelessly violated by the Government who had not the courage to confess the true reason for their breach of faith, which was the practical veto of the Imperial Authorities and the inadvisability, in the interests of this colony, of provoking a rupture with the Imperial Government upon such a subject. Reluctantly we came to the conclusion that owing partly to the action of the Government and partly to the lapse of time it would not be in the interests of that peace and future union, which we all desire, if we continued to press for this inquiry. We felt that by so doing we should in some measure lay ourselves open to the charge of ripping up old sores and of keeping alive a race feud which is most prejudicial to the future of this country which has so many difficult problems before it.

It is with dismay, therefore, that I find the Church, whose influence and authority is so great, adopting another view and by the violence—I will not say the uncalled-for violence—of some of the utterances during the debate on the question, blowing up those embers of strife which all well-wishers of South Africa hoped to see extinguished. The Church has done so much, and in so many ways, during these troublous times, that it was with the keenest disappointment that I saw its vast influence thrown on the side of a perpetuation of unhappy memories. . . . I do most humbly and respectfully urge upon your consideration the advisability of doing nothing to revive the bitter memories of the past ; memories which lead to charges and counter charges and to a dismal perpetuation of fratricidal strife.

A dignified acceptance of a verdict which, wrong as we may think it, we have no power of reversing, reflects no discredit upon the courage or the temper of those who have suffered unjustly, while fruitless complaints and objurgations will detract from that manly and sober type of character which has commanded the respect even of those who are most bitterly opposed. I have written thus far hoping against hope that I shall not be misjudged in the object with which I have ventured to address you. I consider, Rev. Sir, that the union of the two European races in South Africa is of the most paramount importance for the very existence of our civilization. This union can only be effected by a great deal of mutual forbearance.

You must be aware that recrimination is not confined to one side only. It is difficult, sometimes well-nigh impossible, for us poor politicians to practise the more perfect way, and for that reason we turn to the Church in the hope that we may find there the Christian doctrines of forgiveness, of moderation and of neighbourly love laid down as good in themselves irrespective of the prospect of immediate return. If the Church fail us then indeed is the last state of this unhappy country worse than the first.

The Moderator, in his reply (dated 31st October) said :

I have to thank you for your letter of the 24th inst. regarding the debate on the sufferings caused by the administration of martial law to many of the Church's members. . . . When I say that I grieved at the remarks of some three or four members, you will understand that I do not find fault with your expressing your opinion candidly. . . . I am convinced that the majority of the

members did not agree with them. . . . My opinion is that the moderation displayed by the great majority of members during the discussion, which many feared they could not anticipate, will prove to be the spirit by which our Church will in the future be actuated.

Had the racial question in South Africa been restricted, as it was in Canada, to the best method of inducing two European races to co-operate for their common benefit, the obstacles to a reasonable solution, at this as at other periods, should not have been too perplexing to the judicious statesman. But the circumstance that the great majority of the population was of non-European origin went to the root of the whole matter. To Merriman, and those who fought with him, the introduction of a new Asiatic element was a thing to be strenuously resisted ; but the equitable treatment of the indigenous population was still more vital to the peace and prosperity of the land.

A report having appeared that Botha, when before the Labour Commission, had advocated something like compulsory labour, and the confiscation of land as a penalty for indolence—a report of which Botha subsequently denied the accuracy—Merriman wrote a strong letter of protest against any such policy. It was the proposal to put pressure, by somewhat similar methods, on the communal tribesman to go out and work for hire which had inspired his resistance to the first Glen Grey Act, and he had always been apprehensive of any proposition which might tend to bring the two white races together at the cost of the black. Of this there had seemed to be a real danger when Sprigg and Upington, and afterwards Rhodes, had relied on the support of Hofmeyr.

At this time Merriman, writing to a friend in England, and drawing a very gloomy picture of affairs in the Transvaal, expressed his fear of the recurrence of a somewhat similar risk. " I am sure," he says, " you will agree with me that no sympathy for the Boer cause can ever excuse any sort of departure from a liberal native policy. . . . I am by no means sure that this danger has passed away. If Rhodes had

lived he would certainly have moved in this direction and those who are now directing the vast and corrupting influences which his money—a very hoard of the Nibelungs—constitute, certainly will have no scruples on this score." A subsequent letter on these topics, addressed to Richard Solomon at Pretoria, seems to demand fuller citation :

It was with extreme pain that I read your speech on the Chinese question in the Leg. Council and I hope you will pardon the liberty that I take as an old friend to express myself upon this matter which seems to me to be the most important that has ever come before us in South Africa.

In a sense it has not inaptly been called the parting of the ways, whether the development of South Africa is to proceed on the lines of one of the great self-governing colonies or whether it is to become a dependency with an oligarchy of stockjobbers and their dependents and hangers-on, a section of mean whites and a servile class, a contingency from which I at least shrink with horror.

I will not insult your common sense by going into the question of " restrictions," for you know far better than I do how futile any restrictions must be ; illegal if applied to British citizens, and if attempted on Chinese subjects certain to be abrogated, even if they are not evaded, upon the first breath of complaint from the Chinese Government, a Power with which Great Britain cannot afford to quarrel. Nor will I dwell upon the economic side of the question : whether the extraction in the shortest possible time and the consequent exhaustion of the mineral wealth of the Transvaal is the most advantageous course is certainly arguable. There is nothing to show that the resources of South Africa, aided by immigration from Europe, are not as well able to develop the country as other gold-producing countries have been developed. Certainly there is no law in nature that I know of that forbids a trial of those inducements that have been found efficacious to attract labour elsewhere by fair wages, good treatment and a rigid supervision in matters of food and health.

I would rather impress upon you the nature of the revolution that is proposed in turning South Africa into an Asiatic country. It means the disappearance of the European artisan and tradesman. . . . The example of Natal and its statistics are a most impressive warning and the Chinese are in every way superior to Indians. . . .

There is even, to me, a more important aspect still and that is the effect on the native population, over whom we have been placed by Providence with a duty before us of raising them in civilization. Now the employment of Chinese will mean the creation of a servile class, and this will lower the status of the native, driving him down instead of raising him and affording a pretext for depriving him of those rights which have been conferred on him. . . .

I base my opposition from the native point of view on the loss of civil and economical status and the pretext that will be given to those who already view with suspicion the rights that have been given under the policy of which, until now, I thought that you were a strenuous advocate. There can be no question that the adoption of Asiatic labour is a reversal of that policy, and if it were as good in every other respect as I believe it to be bad and dangerous, I should oppose it on this ground.

Solomon replied to Merriman on 11th January, 1904 :

I appreciate your friendship and your views too highly to be annoyed by anything you may say in the spirit in which you wrote to me.

As to the importation of coloured labour from outside South Africa let me say at the start, and I trust you will believe me, that it is a question which I have considered very carefully from every side ; that I am not in the least influenced by dividends or the share market, or by the views of the Capitalists, but solely by what I considered to be necessary for the progress and prosperity of South Africa at the present time. I admit almost all you say if the importation was without restrictions ; but it is there we differ. I don't see why the restrictions should not be faithfully carried out, and if they are I cannot see how the importation will prejudicially affect either the white or coloured man in South Africa. I may be wrong. I hope not, time alone will tell.

I don't think it is possible to read the evidence before the Commission without coming to the conclusion that there is not a sufficient amount of native labour in South Africa available for our requirements, and unless that labour is supplemented from outside, progress and prosperity will be arrested. I have carefully considered the question from the point of view of the natives and I must confess I do not apprehend the evils to them which you predict. I do not find that the importation of coolies into Natal has in any way affected the natives there. It has interfered with

the Europeans perhaps because the imported coolies were allowed to remain in the country after the termination of their indentures. My views on native policy have in no way altered and I think there is more danger of a drastic native policy, if the deficiency in the supply of labour from South Africa is not supplemented from outside, than of injury to the natives by the importation proposed by us.

The controversy on this subject was rather between two Colonies than between two parties. While the Cape strongly objected to the importation of any more Asiatic labour, such a course was regarded by many persons of all shades of opinion in the Transvaal as an indispensable stop-gap for the mining industry. Under the restrictions mentioned by Solomon there was little reason to apprehend any permanent settlement of coolies in the Transvaal, like that of the Indians, originally imported under indentures in Natal, or any such contamination or degradation of the indigenous population as was feared by Merriman. The Chinaman, as a matter of fact, soon settled down to his work and enabled plant to be used which had long been idle. The owners, however, were doubtless well content when they were enabled by the return of the native gradually to dispense with this new element in their compounds. Among the later arrivals there had been a good deal of misbehaviour and special police had to be mustered to protect the adjacent districts against marauders trying to procure a *viaticum* for their homeward journey. Meanwhile, at the English elections, some of the less informed or less scrupulous among the Liberal candidates, learning that the Chinese lived in barracks and were restricted to manual labour in a limited area, made some capital out of an outcry on the subject of " Chinese Slavery in the Transvaal." The new Liberal Government were in no hurry to move in the matter ; they hoped to give the new Colonies the privileges of self-government at an early date ; and the local authorities felt that the elimination of the new element must be a gradual process. At the end of 1906 there were still more than 50,000 Chinese on the Rand and less than 100,000 natives. Two years afterwards there were only

12,000 coolies and over 150,000 natives. The last indentured coolie left the country on the eve of Union.

There had been no need for special provision on the subject in the new Constitution ; and Merriman's forebodings were scarcely justified by the event. It should, however, be added that most of the leading members of the Bond party in the Transvaal, or, as it was there called, " Het Volk," seem to have agreed with Merriman's opinion on this subject, though not precisely for the same reasons. Thus we find Smuts, in a letter to Merriman denouncing " this Chinese business " in no measured terms as " sordid, selfish and unscrupulous." The members of this party had declined to sit on Lord Milner's Legislative Council : but as soon as the Chinese Ordinance had been enacted and forwarded to London for approval, they sent an emphatic protest to the Secretary of State.

When the new Cape Parliament met, the Governor's Speech announced the introduction of " an important measure of a stringent character to prevent the immigration of Chinese into this Colony " ; and Jagger, in the absence of Merriman, at once gave notice of a motion " that this House, taking cognisance with regret that measures are being taken for the importation of Asiatic labour into South Africa . . . reasserts its strong opposition to any such importation as prejudicial to the interests of all classes of the people." Merriman's resolution, it will be remembered, had been adopted unanimously, after brief debate, in the previous year ; but in view of the Transvaal Ordinance, which it was understood was then under consideration at the Colonial Office, and was likely in some respects to be revised, the present motion gave rise to long discussion, protracted by repeated adjournments over the greater part of the Session. Merriman was thus enabled, on his return to the House, to give his reasons for thinking that, in the new situation, the House should reaffirm its view—a course which was ultimately adopted, not without reluctance, but without a division.

At this time Merriman had several letters from Smuts, who concludes one by saying : " Don't you think that as soon as the Liberals get into power we ought to make a move in the direction of federation ? That would perhaps take us out of the narrow rut into which we have been getting and supply a larger and ampler ideal for South African Nationalism. You know with the Boers ' United S.A.' has always been a deeply-felt political aspiration and it might be profitably substituted for the Imperialism which imports Chinese, a foreign bureaucracy, and a foreign standing army." In a later letter, written on the same lines—anti-Chinese and pro-Federation—he began by saying : " I have always and ever shall continue to look up to you with feelings of veneration as to one who through good report and evil has stood up for the true South African ideal." After referring to the agitation in the Transvaal for the repatriation of the Chinese, he adds : " Nothing would please me more than a simultaneous agitation in the Cape Colony. . . . Besides, your agitation will emphasize the South African character of the question, which I think one of its most important features. To foster the federal spirit we ought to seize every opportunity to emphasize common South African interests. If we had Federation, we should not have had this Asiatic curse. Let us therefore work as strongly for one as against the other." Steyn writes : " The only way that I see out of our political and economic difficulties is in Union, not a Federation of South Africa. This is, I am informed, your opinion too."

CHAPTER XIV

RESPONSIBLE GOVERNMENT IN THE NEW COLONIES

Elections at the Cape—Merriman, Sauer and Sprigg lose their seats—Merriman returned at a by-election—Bill for additional representation—Sauer elected at George—A general amnesty—Lord Selborne succeeds Lord Milner as Governor of new Colonies and High Commissioner—Another Customs Convention—Repatriation of Chinese—Merriman's correspondence with Empire League—The new Colonies obtain Responsible Government—Botha becomes first Prime Minister of Transvaal—Merriman's address to Cape University—History of European civilization in Africa—Future of native races—Correspondence with Botha, Smuts and Steyn as to Federation or Unification—The Selborne Memorandum.

The citation of Merriman's letter to Solomon, written at the beginning of 1904, and the subsequent developments of the Asiatic question, have carried this narrative to a later date, from which we must now revert to the politics of the Cape during the same year. The elections were held in February. After a vigorous contest Merriman lost his seat for Wodehouse, where his poll was reduced from 1,082 to 582 ; Sauer was beaten by a small majority at Aliwal, which he had represented for twenty years.

These results had been generally anticipated. The Progressive candidates had a good many supporters among the professional and commercial classes in the towns ; the native vote was divided and many of the Boers had been for the nonce disfranchised. The probability of this discomfiture had indeed furnished the Cape press with a justification of Sprigg's course, after his defeat at the end of the last Parliament, in going to the country without an Appropriation Bill instead of resigning and suggesting to the Governor to invite the Opposition to take office.

Sprigg, however, was equally unfortunate in losing the seat he had so long held for East London. The elections as a

whole showed a small Progressive majority and the Governor accordingly sent for Jameson, who had led the party during the last Session. Jameson, by his judicious reserve and moderate attitude in the previous Parliament, had now to a great extent lived down the memory of the regrettable adventure which had preceded his *début* in politics. He had now no difficulty in forming a Ministry over which he presided without portfolio.

Merriman received many sympathetic letters on his defeat, including one from Tengo Jabavu, the most capable leader of native opinion, who wrote : " I can assure you your failure, as Mr. Sauer's, quite rent my heart and I could not sleep. . . . I trust the attitude of the few ill-guided Glen Grey natives will not alter your opinion of our affection towards yourself." Merriman, throughout his career, without being a sentimental " negrophilist," had consistently advocated an equitable native policy ; and the natives, as a body, had always looked up to him as one of their staunchest friends. Among his correspondents was Olive Schreiner, who says " I am greatly cut up. Of course you and Mr. Sauer will have other seats, but after your splendid fight it cuts hard. . . . You would feel some pleasure if you heard the deeply sympathetic and admiring way our people here speak of you. There is absolute consternation at the thought of your not being in Parliament." Smuts writes : " I feel awfully sorry that you and Sauer have failed to carry your constituencies. I assure you we up here who have followed your brilliant work in Parliament as leader of the South Africans feel this as a personal blow." He goes on to suggest that his father—Mr. Smuts then sat for Malmesbury—might be willing to resign in his favour.

There were other suggestions but Merriman decided to accept the offer of Mr. Visser, who had been elected for Victoria West, and who now wrote : " We have long wished to have you as our representative and when I was asked to represent this division I only consented with the understanding that if you were not returned in Wodehouse I held

for myself the right to retire in your favour. . . . I know very well that you bear in mind and have at heart the wants of our people, therefore I rejoice, thinking that our interests will be placed in your hands, with so great experience. Please excuse me as I am not accustomed to write in English." The principal objection to Victoria was that the constituency was very extensive, embracing several thinly populated districts, which involved long journeys, with few facilities for transport, on the part of the candidate. On this point Mr. Maeder, the Minister of the Dutch Church, a man of much local influence, made a practical suggestion. " I see," he writes, " the nomination takes place on Saturday the 2nd April. It is just then ' Nachtmaal ' with us and that means that most of the country people will be in town, so that if you would show yourself that day it will be quite sufficient and spare you all the time and expense of going round the electorate. You are by your words, acts and grand political behaviour so well known that just a short pithy speech will be all the public will demand. . . . I hope the friendliest relations will ever exist between the ' boer-predikant ' and the future Premier."

The writer of these lines happens to have been well acquainted with Mr. Maeder. On several occasions I held a Circuit Court at Victoria, where there was often a good deal of business. Mr. Maeder took much interest in the work of the Court and on more than one occasion, in the absence of the official interpreter, when the local substitute proved unsatisfactory, I requested him to undertake that important function, thinking that the jury would be all the more impressed with the observations of the Court if transmitted through the lips of the " boer-predikant." The time came, however, when the predikant got his chance of turning the tables on the bench. The Circuit business had been protracted over the week-end, so on the Sunday I took the opportunity of attending his service. When he got into the pulpit he referred to the fact that the work of the Court had brought in many visitors to the town, and said that he thought that on

such an occasion Pontius Pilate on the seat of judgment would furnish an appropriate theme for his discourse.

With Mr. Maeder's powerful influence to back him Merriman had little difficulty in his new constituency, where there had been few disfranchisements. His election was somewhat delayed by the rather factious nomination of a Progressive opponent, but he was returned by a majority of something like six to one and was able to take his seat on the day on which the new Treasurer (Walton) produced his " Budget " ; he apologized to the House for his presumption, as " a young member," in rising to follow the Treasurer in the course of the debate.

The Budget was not a cheering document. Agriculture had been hard hit by drought ; the activity in trade and commerce, engendered during and after the war by artificial conditions, had, as usual in such cases, led to reaction and depression. Sprigg, not for the first time, had been far too sanguine in his estimates ; and it seemed probable that the financial year, then about to close, would show a deficit of about £800,000. The prospects for the ensuing year were scarcely more favourable. Further taxation was unavoidable, and Walton, following the same lines as Merriman when last at the Treasury, again proposed, among other measures, the imposition of an income tax. Merriman, rather inconsistently, suggested, as an alternative, a tax on diamonds. The income tax was adopted, but all incomes under £1,000 were exempted. At that time there were comparatively few men of much wealth in the Colony and something like half the amount realized by this tax seems to have come from the coffers of the De Beers Company. Other new taxation was proposed, including an excise—always a very contentious matter—and in this and the lean years which were to come before the Union, it was only by the severest economy and retrenchment, with much unpopularity as the inevitable result, that the Colony was enabled to maintain its solvency during the difficult period of the National Convention.

The most contentious measure of this Session was a Bill

" for the better representation of the people," or in other words, according to the Opposition, a Bill for securing the maintenance of the Progressive majority, pending the introduction, at some later date, of a Bill for the redistribution of seats. By the present measure it was proposed to add three members to the Legislative Council and twelve to the Assembly, the object being to diminish the disparity between the average quota in the urban and that in the rural divisions. It was admitted that, under the proposals contained in this Bill, nine of the twelve new seats would probably be filled by supporters of the Government, and the opposition was naturally of the most determined character. On the second reading the obstruction was so persistent that the House sat twice round the clock. At long last the Speaker decided to create a precedent by closuring the debate and putting the question. On the motion for going into Committee there was another all-night sitting and a negative amendment was defeated by a majority of one. The resources of opposition were then exhausted and the measure was forced through Committee without amendment and sent to the Council before the election of Merriman for Victoria. Merriman doubtless found some consolation for the increased representation in one of the new seats being won by Sauer, who was elected at George, but too late for him to take his seat till the following Session.

Another measure which gave more satisfaction was one for the better administration of justice by which all special courts were abolished and the few political prisoners still under detention released. All pending cases—mainly those of rebels who had not yet surrendered—were to go before the Magistrates and all penalties limited to disfranchisement for five years from the date of sentence. The slate was finally cleaned by a further enactment, passed in 1905, remitting all penalties incurred and disabilities imposed on account of the rebellion.

It would be irksome to pursue the tenor of Cape politics during this period in any detail. Jameson had now a working

majority in the Assembly, but in the Council parties were so evenly balanced that there was little scope for contentious legislation. The boom in trade which had followed the peace had, as is the way with such booms, proved the precursor of a " slump " ; during the seven lean years between the re-assembly of Parliament and the advent of Union, the Treasurer of the day had a hard fight to keep the wolf from the door and provide funds to defray the irreducible minimum of expenditure. The Government was mainly concerned with the protection of the interests of the Cape in its intercolonial relations, in such matters as customs, tariffs, and the apportionment of traffic. There was a Railway Conference at Johannesburg in 1905 ; in 1906 a revised Customs Convention had been signed at Maritzburg. Before this, Lord Milner had retired, and his functions, as High Commissioner and Governor of the new Colonies, had been taken over by Lord Selborne.

During the three years since peace Milner had been indefatigable in the work of reconstruction, especially in the Transvaal. He had received much help from the little group, fresh from the Oxford schools, dubbed by Merriman the Balliol Kindergarten : young men of promise, such as Brand and Duncan, Philip Kerr and Lionel Curtis, some of whom remained to promote the movement for closer union and afterwards gained high distinction in other spheres of public work. He had not, however, succeeded in obtaining—perhaps had scarcely attempted to obtain—any co-operation from the Boer leaders ; of this there was a better prospect for a tactful successor, free from all the bitter memories of the past. Milner having shown good judgment in declining Balfour's offer of the Colonial Office, Chamberlain's seat had now been taken by Lyttelton, under whose instructions a new Constitution, giving representative government, had been drafted for the Transvaal.

But a wider change was now at hand. Chamberlain by his " tariff reform " campaign had broken the solidarity of the Unionist party ; at the end of 1905 Balfour's Ministry

collapsed and he had been replaced by Campbell-Bannerman, the Minister who, ten years before, had been blown up by cordite, and who now, assisted by the outcry against "Chinese slavery," obtained a sweeping victory at the polls. At this time Merriman once more brought up the Asiatic question in the Cape Parliament, but with less success ; an amendment proposed by Jameson adding a corollary " deprecating any interference with the arrangements of a neighbouring Colony " being carried by a majority of three. The Liberals sent out the West-Ridgway Commission to inquire into the situation at large and, on receiving their Report, decided to grant responsible government to the new colonies as promptly as possible.

It was generally recognized that, if the several units were to be brought together, their representatives must enjoy equal executive powers ; that the Transvaal might fairly claim the same status as the Cape, the Orange River Colony the same as Natal. As to the trouble about Chinese repatriation, there was much difference of opinion and the simplest course seemed to be to leave it to the local authorities. Some of the coolies, as already mentioned, had given much trouble ; marauding bands, after gambling away their wages, had spread terror among the neighbouring Boers. The mine owners were well content to revert to native labour as soon as the supply became reasonably sufficient. An Act was passed in the Transvaal in 1908 providing for the deportation of all unregistered Asiatics ; and a Union statute of 1913 gave the Minister of the Interior very wide powers to prohibit the immigration of unsuitable persons. The Courts had some difficulty as to the construction of this measure ; but it was held in 1923, by a majority of the Court of Appeal, that it was competent for the Minister to prohibit " on economic grounds " the immigration of all coloured persons of Asiatic origin.[1] The Act apparently had been so framed as, while not explicitly excluding any immigrants on racial grounds, indirectly to enable the Government to effect that object.

[1] See *R. vs. Padsha, L.R., A.D.*, 1923, 281.

Before proceeding farther with this sketch, necessarily summary and eclectic, of the most salient events in this period of transition, a few references to Merriman's correspondence may here be inserted. In 1905 a letter was received from the British Empire League suggesting that, in order to maintain some sort of continuity in the deliberations of the periodical Colonial Conferences, there should be formed something in the nature of an " Imperial Council," with a permanent Committee to examine and report on topics of common interest such as Imperial Defence. The words " Empire " and " Imperial " had little attraction for Merriman, who acknowledged the receipt of these resolutions in a characteristic letter of which he preserved a draft. In the course of his reply he says :

In the first place I think that in any document that aims at laying down, in however fragmentary a manner, the foundations of what is hoped may be a permanent constitutional structure, great care should be taken to make the meaning of any words used perfectly clear.

Now the word " Empire," which is a perfectly correct one to use, as regards the relation of Great Britain to India and to other communities under the British Crown who do not enjoy representative institutions, is clearly not a proper description of the self-governing communities spoken of in the resolutions.

The name " Empire " which is generally used to describe the various communities that acknowledge allegiance to the King of England may serve as a convenient expression for the somewhat undefined relation that has hitherto existed between Great Britain and the Self-Governing Colonies, but if this relation is to be made the subject of any sort of constitution I venture to think that the word " Commonwealth " more nearly expresses the sort of relation that must exist in the future if the connection is to be a permanent one.

An Imperial Council sitting in London, with the object of giving advice or exercising control over self-governing communities elsewhere without a similar advice or control over Great Britain, will certainly not make for a permanence of the connection in the next generation, whatever it may do just now when, for one reason or another, there is a good deal of generous enthusiasm, genuine as well as fictitious.

With regard to the proposal in resolution No. 2, to give "importance and efficiency to what is virtually an Imperial Council" by giving it a permanent existence, I will take leave to remark that the present constitution of these conferences is by no means a representative one. In many cases, before the Minister whom accident has for a time sent to such a conference can return home, he may well chance to find that the turn of the political wheel has put him in a minority and the legacy of awkward resolutions passed in an unrepresentative assembly is left to his successor. In one case, at any rate, which is in the writer's mind, the prime minister, who managed to scrape through a vote of no confidence by the Speaker's casting vote immediately before his departure, attended one of these conferences and without any authority from the legislature pledged the government to a very embarrassing expenditure which had to be liquidated in another form by his successor. . . .

Resolution No. 5 advocates the formation of a permanent committee whose function should be, under the Council's instructions, to examine into and report upon public matters and questions. As presumably this committee would be located in London, and its functions would be principally confined to advice tendered to the self-governing colonies, it is difficult to conceive any proceeding that would be more bitterly resented by the representative bodies who are responsible for the conduct of affairs in the colonies, and for the expense involved, than advice, however well-meaning, tendered to them by a body located thousands of miles away and out of touch with local conditions and feelings. Such a body, however well-intentioned, would be very foreign to the whole traditions of our race which has derived much of its vigour from local self-government.

To this letter the Secretary replied at some length on 27th October, explaining that the duties of the proposed Committee "would be strictly confined to the collection of information, which it would digest and tabulate in such a form as would prove most useful for the meetings of the Council of the Empire." "Your letter," he adds, "is of great interest, and if anything should occur to you arising out of this reply, it is hoped that you will not hesitate to write your views fully."

The correspondence, together with a leading article on the subject, appeared in *The Times* of the 30th and 31st. It

concludes with a letter from Merriman, of 27th November, reiterating his difficulties as to the constitution and functions of the proposed Council. He dwelt on "the great and growing divergence in type, in thought, and in feeling between communities situated in distant lands, in wholly dissimilar conditions, and under different climates and physical features—such, for instance, as South Africa, Australia and New Zealand," and concluded :

I will not further labour the point raised in my former letter as to the name of Empire, which is perhaps of secondary importance, merely remarking that Empire connotes imperium somewhere, and that this abstract question of where played a great part in the events which lost England her first Colonial Empire. Nor will I now go further with the other question of the mode of representation on these conferences. The method adopted now may be unavoidable in informal meetings like those which have been hitherto held. It certainly leads to a very one-sided and partial view being taken, and in any permanent body it would become intolerable. The great thing is to try and see in what direction the great stream of our national life is tending, and to strive to guide it as far as possible into a useful channel. To turn it back, or to dam it up, even if it were possible to do so, will only lead to a catastrophe.

At this time he received several letters from Steyn—still very much of an invalid—at Bloemfontein and Smuts at Pretoria. On the broad question of native policy, Smuts writes in March, 1906 :

It ought to be the policy of all parties to do justice to the natives and to take all wise and prudent measures for their civilization and improvement. But I don't believe in politics for them. Perhaps at bottom I don't believe in politics at all as a means for the attainment of the highest ends ; but certainly so far as the natives are concerned politics will to my mind only have an unsettling influence. . . . When I consider the political future of the natives in South Africa I must say that I look into shadows and darkness, and then I feel inclined to shift the intolerable burden of solving that sphinx problem to the ampler shoulders and stronger brains of the future. . . . Now that the Commission is coming out to take evidence on the question of the Transvaal

Constitution, I am rather anxious that you and other leaders at the Cape should also give evidence. The Constitution affects profoundly not only the people of the Transvaal but of all South Africa. . . . It seems to me that in Federation or Unification lies the solution of our and your troubles.

In the same month Steyn writes, after a visit from Botha and Smuts : " I took advantage of the opportunity of laying before them your idea of a convention. They agreed with the advisability of such a convention, but considered that the time was not there yet and that we in the new colonies could only enter into such a convention after we have full responsible government. In a question of such supreme importance the people must be consulted, which cannot be done under the present form of government." Smuts writes again in June, enclosing a long " historical memorandum " on the Chinese question. " Servile Chinese labour," he asserts, " means in the long run a servile white South Africa." At the same time Merriman was receiving long communications from Cresswell on labour conditions on the Rand. In January 1907, Smuts writes again on the eve of the Transvaal elections ; the federation movement must, he thinks, be postponed " till there is self-government in the O.R.C. and a general election at the Cape has given the quietus to the Jameson crowd." The result of the polls was a clear majority for Het Volk ; Botha became the first Prime Minister, with Smuts as Secretary of State.

There is another letter from Smuts, dated 4th March, which begins : " Many thanks for your all too generous remarks at the Stellenbosch meeting in regard to myself and my colleagues. Coming as they did from the veteran that you are, you can understand how deeply they touched us—especially on the day when we were sworn in an H.M. Government for the Transvaal. . . . I might have been Premier, but considered that it would be a mistake to take precedence over Botha, who is really one of the finest men South Africa has ever produced."

In the same month we find a characteristic letter from

Merriman to Goldwin Smith, in the course of which he says :

> Your last letter . . . reached me on my 66th birthday, so that one is beginning to see the milestones fly past and, I hope, to take a more steady and rational view of public affairs and to realize more than one did how, do what we will, *incerto fluerent mortalia casu*. Your forecast is not a cheerful one but I fear too true. The English race in its old home seems to be losing its fibre and to be going after false gods. . . . We have been having stirring times here. The Transvaal elections have been a complete reversal of the Milner policy. The new government there includes some of the cleverest men in South Africa who have proved their manhood in the field as well as their talents elsewhere. . . . I wish we had you here instead of in Canada. Truly sorry am I to hear your account of your health, but I hope the summer may give you a brighter outlook. I am so much of an outdoor man myself that I can feel most strongly for anyone who is not able to take exercise, even though they may have all the intellectual resources that you have.

Before proceeding further with this correspondence, a passing reference may here be made to another branch of Merriman's activities.

At this period the University of the Cape was the only University in South Africa. 1907 was an important era in its annals, as during the previous year the educational departments in the Boer States, following the example of Natal, had come within its ambit and were entitled to representation on its Council. It was, however, merely an examining body, constituted on a basis resembling that of London, and testing the instruction given in the collegiate institutions throughout the country. The annual degree day was an occasion of some ceremony. Besides the ordinary admissions, honorary degrees were conferred and some man of eminence was invited to address the congregation. In February, 1907, Merriman was the man of eminence, and he delivered an impressive and erudite discourse, not unaccompanied by some of the usual manifestations of undergraduate humour. He discussed the rise and fall of culture

and learning, art and science—Egyptian, Phoenician, Hellenic and Roman—in Northern Africa and the obliteration of its achievements, from the most ancient papyrus to the Confessions of Augustine and the works of Tertullian, by ravaging Vandals and iconoclastic Arabs. It has been observed that " the story of the disappearance of Greco-Roman civilization from Northern Africa is one of the saddest and least explicable episodes in Mediterranean history. For five centuries Roman dominion seemed firmly established as far as the Straits of Gibraltar ; Greeks of Cyrene and Carthaginians helped to spread the classical culture through the great African provinces of the Empire. . . . Libya and Algeria became the chief granaries of Rome." (*The Times*, 27th April, 1928.)

Of Arab thought the lecturer remarked that " it seems to have had more effect on Africa than its more brilliant predecessors, in that it did touch the fringe of negro barbarism, for, whatever shortcomings the religion of the prophet may have, at any rate the faith is strong enough to break down the prejudice of colour in the brotherhood it teaches, succeeding in this where Christianity fails. The fact has recently been established that in the fifteenth and sixteenth centuries there were on the Niger, in the negro city of Timbuctoo, schools of learning derived from Arab sources and literature, that there were libraries in the middle of Africa, and black men who devoted themselves to a life of study."

After dwelling on the fact that " we are not the first who have tried to keep alive the sacred lamp of knowledge on African soil, nor has there been, with the doubtful exception of the Mohammedan culture in the Soudan, any impression on the solid core of barbarism about which our settlements form the merest fringe," he proceeded to discuss the problem as to whether to the colonist in South Africa :

> The key has been given which is destined to unlock the hidden capacity, both material and mental, which has lain so long unfruitful ? It is the answer to this question which makes our University, imperfect as it is, of so much importance to our

national life in the eyes of everyone who believes that mere material progress is the smallest part of the life of a people. In material progress . . . and in the brilliancy of their intellectual culture, our predecessors, judging by their recorded achievements, were in advance of ourselves, but there must have been something lacking to have made it perish with so little permanent result on Africa itself. It would be well for us, when we are laying the foundations of our national culture, sometimes to reflect on these brilliant failures, and to remember that the formation of character is at least as important as the acquisition of knowledge.

An address such as this does not readily lend itself to quotation within the space available for the purpose. After discussing the sphere and scope of the University in the future, and making some reference to the subjects which should receive special prominence, he observed that the duty of those entrusted with the training of the youth of the country is :

To see to it that the advance guard of civilization is well drilled and fitted for the task not only of keeping what we have won in this land but, more important still, of making some permanent impression upon the barbarous mass of this continent. History tells us that other nations, perhaps more highly gifted than ourselves, have failed, not through lack of culture, but through defects of character. For, after all, the end of education is not the mere acquisition of knowledge, but the formation of that character which, as the wise man tells us, is destiny. This University, imperfect as we acknowledge its organization at present to be, small as are its resources, and humble its beginning, is yet perhaps the most powerful agency to which we have to look in promoting the cause we have at heart—the union of the European races of South Africa and the establishment of a well-ordered and lasting civilization.

The correspondence with Smuts already quoted, together with other letters which will require citation, forming part of the Convention correspondence of the following year, show how profoundly the writers were impressed with the difficulties of native policy in a United South Africa. Smuts, as will be remembered, had said that, " When I consider the political future of the natives of South Africa I look into shadows and darkness and feel inclined to shift the intolerable

burden of solving that sphinx problem to the ampler shoulders and stronger brains of the future." In the twenty years which have elapsed since then, have the shoulders and brains emerged or enjoyed an opportunity of propounding a solution? Such a solution, as was observed the other day at Wellington, " will require the idealism of youth, the wisdom and experience of age, and withal the courage to face the realities of the situation." [1] Will the European settlement in South Africa prove more permanent as a civilizing influence than its predecessors in the North, or will it too, in the long run, find the conservative forces of the indigenous population too strong for the adventitious elements?

In June there are letters from both Steyn and Botha. The latter, writing after his return from the London Conference, refers to " a long and heated debate in Parliament on the question of the repatriation of the Chinese." He adds: " with regard to your question *re* a joint commission on Federation, it is my opinion that we had better wait moving in that direction until the O.R.C. will be in possession of responsible government. . . . As it seems practically certain that the O.R.C. Parliament will not meet this year I think it advisable to wait till our next parliamentary session." In the latter part of the year there are several full letters from both Steyn and Smuts on this and cognate subjects from which brief extracts must here suffice. Thus Smuts writes in July:

You know I am an enthusiast for Federation or (if possible) Unification. . . . The problem is a great puzzle for our political intellects to wrestle with and will lift South Africa out of the sort of selfish commercialism in which it is now standing. . . . As things now stand I am afraid your idea of a Customs and Railway Parliament will not work. The Governments are responsible as things are and would not resign that responsibility to an experi-

[1] The Address, by Dr. Loram, delivered on the centenary of Dr. Andrew Murray, the founder of the Huguenot Seminary, is well worth perusal. The text will be found in the *Cape Times* of 14th May, 1928.

mental body like that. On the present constitutional basis I am afraid we have to deal with each other as Governments. The Parliament you want is the Federal Parliament.

At this time a stimulus was given to the movement by the publication of the Selborne Memorandum. Elicited by a minute of the Jameson Ministry, and drafted in the main by Lionel Curtis, this able and suggestive document, largely based on American experience, showed that the development of the resources of the country, by means of improvements in communications and transport facilities, largely depended on the management and administration of railways being placed under independent and non-political control. Malan, as leader of the Bond, took up these proposals as a step towards closer union. Merriman, suspicious as usual of "imperial intervention," took a less favourable view, but took no part in the debate. Smuts writes again, on 1st August, deprecating the objections raised by Merriman in a letter of which no copy is available. He adds: "I rely on your wisdom and practical handling to smooth away possible difficulties. Malan is an old friend of mine and I know his enthusiastic temperament all too well. . . . I feel certain that, if you do not get impatient, and bring wisdom and sympathy to bear on the situation, you will find in him just the loyal lieutenant whom you need. . . . My own position is that Federation or rather Unification is a good and wise ideal. It is the only alternative to Downing Street, which is a most baneful factor. But great caution and circumspection is required in pushing it and in working towards it. . . . Do not throw cold water, but wisely guide a movement which, under favourable circumstances, may lead to great things." Steyn writes to the same effect.

He adds: "I talked this matter of Federation over with Botha and Smuts"—he had just returned from a visit to Pretoria—"they are quite decided that nothing ought to be done until our Government is not only formed, but fully in the saddle. They both seem to favour Unification—in fact, the more one thinks about it the more you become convinced

that that is the only kind of Union we ought to accept. . . . I have come away from the Transvaal very pleased with the spirit prevailing there. Everyone seems to be longing for the day that the Cape Colony shall also be governed by the South African Party."

CHAPTER XV

MERRIMAN PRIME MINISTER OF THE CAPE

Jameson fails to obtain supply in Legislative Council—Obtains a temporary appropriation and a dissolution—Election in Orange River Colony—Fischer forms a Ministry at Bloemfontein—Merriman's correspondence with Goldwin Smith as to native policy and the franchise—After election of new Legislative Council Jameson resigns and Merriman becomes Prime Minister—Questions of financial policy and closer union—Merriman's large majority in the new House—Conference at Pretoria—A prelude to National Convention—Financial embarrassments at the Cape—Merriman's expedients—A turn in the tide—His last Budget—Summary of the work of the last Cape Parliament—Death of Hofmeyr—Merriman's *laudatio*—His relations with Hofmeyr—His last days as a Minister.

THE day was not far off. The Jameson Ministry, weakened by prolonged financial depression, and the severe retrenchment it had entailed, had been embarrassed by differences among their supporters, who now called themselves " Unionists," but were far from united on questions of fiscal policy. They managed, however, to struggle through the Session till, in the last days, when prorogation was in sight, they were unable to obtain supplies from the Legislative Council. They were supposed to have a bare majority in that body ; but that majority included Logan, a sort of stormy petrel on the sea of politics. Logan, it was understood, had another grievance about railway contracts and his vote was an uncertain factor. When the Council went into Committee of Supply, with a ministerialist in the Chair, Logan moved the Chairman out of the Chair and carried his motion by one vote. Other unsuccessful attempts were made and a deadlock ensued. Jameson, unlike Sprigg, had no disposition to cling to the shadow of power without the substance. He therefore announced that Parliament would be dissolved after passing a partial Appropriation Bill to cover the period till the new Parliament could meet. The Prorogation took place on

19th September. A few days afterwards Smuts writes to Merriman :

You are now so busy with your campaign work that I feel that I ought not to trouble you with correspondence. . . . Our wishes and prayers go with you, for much, very much for South Africa, depends on your victory. By good fortune and hard work we have got together a majority here which, though apparently large, is by no means stable. You will win at the Cape and a unique opportunity will present itself for righting the situation in South Africa, an opportunity such as may not recur in our lifetime. The O.R.C. is all right. Natal has also a well-disposed Government. There is the chance to neutralize all the evil effects of the war, to weld South Africa into a compact South African nation, and to rid ourselves of those internal discords which inevitably invite Downing Street interference. Your manifesto has given me the greatest pleasure, because it breathes the wise spirit of a common national sentiment as distinguished from commercial makeshifts which simply lead to fresh trouble. Your Government will be confronted with a most difficult task. The Conference on Railway and Customs policy to be held next year will mark the cross-roads ; if by any possibility we could make that the starting point for a United South Africa no consummation could be better.

At the beginning of October Steyn writes to the same effect: " When our elections are over we will naturally turn our eyes to the Cape Colony. We all sincerely hope that the South African Party will carry the day, for we feel that it will not help us much to have an African Ministry in the Transvaal and Free State (Mr. Steyn, it may be noticed here anticipates the restoration of the old name, which, on Jameson's suggestion, was adopted at the Convention), if a second Progressive Ministry has to rule in the Colony. . . . I feel sure you will be Premier with a strong following within six months." The Orange Colony had now received its Constitution. The elections were held in November. Parliament opened on 18th December, with Fischer as Premier and Hertzog as Attorney-General. All eyes were now turned to the Cape, where the dissolution was to be followed first by elections for the Legislative Council and afterwards for the Assembly. The correspondence at this time includes a long letter from

Merriman, written at the end of October, to Goldwin Smith, which shows, like his University Address in February, how much at this critical period his mind was obsessed by the crucial question of the native policy of a United South Africa.

The cables [he writes] will have told you of our political crisis and the general election here which is a most protracted worry, for owing to our antiquated forms it takes five months to bring it off ! ! Apart from all the personal matters the great questions before the country are Protection and Union in some shape or another. The former is the natural outcome of that desire which men, drowning in the slough of depression, have for catching at any straw that seems to promise relief. So hard is it to teach men that the only true way of righting a financial mess is by hard work and thrift. This lesson is doubly difficult in a country where the black man is supposed to be the natural worker and the gambling spirit has been developed in the way that it has dominated South Africa.

As for Union everyone is flinging about long words without very well knowing what they mean. Imagine a population of 1,200,000 Europeans (*circa*) with 300 paid members of Parliament in eight debating chambers, with a debt jointly of some £120,000,000 (120 millions) apart from municipal obligations, then contemplating setting up another Parliament. We have four Governors, four Supreme Courts and all the costly paraphernalia of over-government. On the other hand the difficulties of unification are very great. The local jealousies, the terrible native question which is always with us, and to which we have added the Asiatic trouble. Probably the native question is the worst. Here in the Cape we make no distinction of colour. We have an educational franchise with what in other countries would be considered a high qualification. On the whole this has worked well. Our natives have increased both in wealth and in habits of industry and civilization. They give little or no trouble, though of course they require careful and above all just management. So, though having like most white men who live under South African conditions, a great distaste for colour, I must confess that viewed merely as a safety valve I regard the franchise as having answered its purpose. Now none of the other three colonies have any approach to our system. In the two Boer states they refused the native civil rights. In Natal the whole system has been designed to keep him in a

state of barbarism. In any negotiations for Union they will attempt to get us to abandon our franchise. For in granting the new constitutions under a mistaken view of liberalism they have adopted manhood franchise, which in the case of natives would be unthinkable.

This is merely a most sketchy outline of the problem before us. The best course would be to adopt a high franchise with a real educational test which would shut out all but the native who was fit to exercise the rights of a citizen, while not denying to any man the privileges of citizenship on the ground of the accident of colour. In fact the old-fashioned Liberalism of the days of R. Lowe and yourself. I fear this is impracticable, first because of the tendency of the democratic age which reacts on our little community. Secondly, because of existing franchise here and the colour prejudice. Then there is an alternative of keeping the Cape franchise for the Cape, and having a differential franchise for other parts of South Africa. Is this possible? Are there any precedents in England or elsewhere? I fancy in my ignorance that in the pre-levelling days there must be many such. I should be greatly indebted to you if you could find time to enlighten my ignorance on this point.

With regard to the Cape elections, the wishes and predictions of Smuts and Steyn were fully justified by the event. Jameson went to the country on a federation programme and his party now took the name of Unionists. He was defeated in the elections for the Legislative Council and it was clear that, as things then stood, he could not expect a more favourable verdict at the polls for the Assembly. He had now exhausted his mandate—if indeed he had ever had one. The disqualified Boers had recovered their votes and the small increase in the urban representation was an insufficient counterpoise to the other adverse elements in the situation.

Jameson was not the man to cling to the shadow of power without the substance. On his advice the Governor now sent for Merriman, who, at long last, became Prime Minister on 3rd February, 1908. His position was somewhat similar to that of Campbell-Bannerman, two years before, when he had to form a Ministry and look for support to a future Parliament. In accordance with a view he had always held

Merriman combined the Treasury with the office of Prime Minister; he also undertook the Department of Native Affairs. Sauer, who now regained his old seat at Aliwal, became Commissioner and Burton Attorney-General. The remaining portfolios were held by De Waal and Malan, while Graaff and Currey became Ministers without portfolio. Merriman and Sauer were the only Ministers with any previous official experience; but the combination was nicely balanced, fairly representing the various elements in what now became known as the "South African party," and well calculated to secure support at the elections which were to be held in March.

Merriman, in an address to his constituents, declared finance to be first in importance among the questions before the electorate. Four years of "Progressive" government had resulted in an accumulated deficiency of £1,800,000, while the public debt had been increased by over £13,000,000 —more than one-third of the total debt in 1904—and what was required more than anything else was careful and economical administration. Second to finance Merriman placed the question of Closer Union, and he had placed it second only because he felt that the affairs of the Colony must be put on a sound basis before such a partnership could be discussed. It was too soon to dogmatize on the form such union should take, but his own opinion was that the nearer the approach to unification the better. He invited the electors to entrust the government of the Colony to a party "which recognizes the common brotherhood of all who call South Africa their home, which is in full sympathy with the other States, and whose one aim is to see South Africa a strong Commonwealth under the flag of Great Britain."

After being returned unopposed for Victoria West, Merriman started on a tour in the Eastern Province, with a view to examining the needs and grievances of the people, especially of the native community, for whose welfare he had made himself responsible. He met large bodies of natives at Love-

dale, Kamastone and elsewhere, and addressed meetings at Queenstown and Port Elizabeth, where he had arranged for an interview with General Smuts. He also managed a visit to his old mother at Grahamstown, finding her very exultant at seeing him in the position which she had so long expected him to occupy.

On such journeys Merriman was always a model of frugality. He never used the Prime Minister's saloon, contenting himself with a reserved compartment or borrowing a coach from one of the Maintenance Engineers. He lost no opportunity of impressing the virtue of thrift, even in small matters, on his colleagues and secretaries. One of the former was now installed in what had been the late Premier's room, where he had ordered a new and costly carpet. The Treasurer refused his sanction for the cost, holding that what was good enough for Jameson must meet the requirements of the new occupant. He took the example of Mr. Gladstone as showing that it was worth while to be penny wise without becoming pound foolish. He was fond of quoting to his secretaries Gladstone's directions, on the Corfu expedition, about using for the addresses on the return journey the reverse side of the parchment labels on the despatch bags. As Morley says, "though an individual case may often enough seem ludicrous, yet the system and the spirit engendered by it, even to the taxpayer, that is to the nation, is priceless."

He returned to Capetown on the eve of the polls, which gave him an unmistakable mandate to set straight the finances of the Colony. He met Parliament on 22nd April, with the largest majority in the annals of responsible government at the Cape. Out of a House of 107 members no fewer than 69 belonged to the South African party. It was an emergency Session to regularize expenditure by an additional Appropriation Act. He took the opportunity of moving a resolution of regret for the recent death of Campbell-Bannerman, who had just those qualities of sterling common sense which he admired. "To us in this country,"

he said, " he will always be known as a sturdy advocate of sound liberal principles, and as having been the means of giving our sister colonies across the Orange River the inestimable boon of self-government. That can never be forgotten by any true South African, and if, as we all hope, at no distant date, there comes to be an united South Africa, the credit of that achievement will be largely due to the statesman whose death we now deplore."

Since his manifesto on the subject the financial position had grown steadily worse. The full effect of the slump in the diamond industry, brought on by the financial crisis of the previous year in the United States, was now being felt and it was a gloomy statement that the Treasurer had to make. The estimates of his predecessor were likely to result in a deficiency of £965,000, roughly a seventh of the total revenue, at the end of the current financial year. The total accrued deficiency would thus be a million greater than it was at the dissolution of the Legislative Council. The burden of the debt charge on the taxpayer had been nearly doubled in ten years. He promised the House that in June he would lay before it a far more searching statement and would then show in what way he intended to meet the " ghastly deficiency."

A strong upholder of the supremacy of Parliament, Merriman disliked the idea of its powers being fettered in any way by an extraneous body. The mode of fixing a customs tariff by a conference he held to be wholly unsatisfactory. A minister who is responsible to the taxpayers of the country comes back to Parliament with a customs tariff in one hand and a pistol in the other and says, " Take that Customs Convention or break up the Customs Union." Until there was a Parliament representative of the whole of South Africa this state of affairs had to remain, and he thought it right to read to members a statement of the policy which would guide him at the forthcoming Customs Union and Railway Conference at Pretoria. This, he said, had been embodied in a vote of the former House, to which he adhered, and which laid down that it was desirable that the Colony should

be at liberty to impose duties in excess of the Convention duties on imported commodities consumed within its borders in order to secure a more reasonable protection for the products of the soil and for colonial manufactures, and that, in lieu of differential railway rates in favour of colonial produce, additional duties should be levied at the ports, thus equalizing the burden on coastal and interior-dwelling taxpayers. To the principle of preference he declared himself totally opposed.

As regards Closer Union he thought that all that could be done at Pretoria was to affirm the principle and pass resolutions asking the several Parliaments to appoint representatives to a constituent convention. The three Cape representatives at the Pretoria Conference would go, not as Ministers of a particular party, but as representing the whole people, and he hoped that their delegation would be the means of producing some good to the Colony. The Session closed after the House had sat for five days, and on 1st May Merriman left for Pretoria to attend the momentous Conference, which was to be a prelude to the National Convention, and of which the results must be recorded in the next chapter.

Parliament met again, on 19th June, for that " credit and debit " Session which Merriman had promised during the election campaign. The problem was to bridge a gap between revenue and expenditure of over a million and a half. This he proposed to do by reducing expenditure to the extent of £617,000, a Herculean task in view of the fact that in the previous four years outgoings had been already cut down by one-third, by imposing taxes for £540,000 and the adoption of " financial expedients " to the tune of £365,000. The additional taxation was to be got by readjusting the income tax, remodelling the estate and succession duties, doubling the duty payable on the transfer of real estate, and by taxing patent medicines and increasing certain stamp duties and licences. The income tax, which had hitherto been imposed on incomes of £1,000 and upwards, was now to be

applied at £50. From that low limit up to £100 the tax was to be ten shillings, between £100 and £300 a uniform rate of £1 and between £300 and £1,000 the rate was to be five per cent. plus £1 for the first £300. Incomes over £1,000 would have to pay a slightly progressive rate.

Opposition centred on the proposal to tax the poor man, by which was meant those with an income of £300 and less. The money had to be found, and the proposals put forward in lieu were a cigarette tax and a steeper grading of the income tax above £1,000, neither of which would produce the sum required. The cry of the " ten-bobber," as Merriman called him, was heard in the land and the Treasurer had to endure an amount of obloquy of which only those in close touch with him realized the extent of the effect on his spirits. Merriman's mail was filled with anonymous letters, abusive and threatening—some addressed by their cowardly writers to Mrs. Merriman. Efforts were made to keep these letters back, but Merriman made the task difficult, and it was always a perilous thing to attempt to deal with the confusion of the Prime Minister's writing-table. In fact, the estimates framed of the product of these uniform taxes were not realized, and it is more than doubtful whether, in a country where the customs tariff is high, so low a limit could be justified. The outcry was so great that General Smuts wrote suggesting that it might be wise to spread the painful process of stabilization over a longer period than one year. But Merriman was determined that every citizen should contribute his modicum to the finances. He was aware that the tax would be specially hard on those retrenched civil servants who would have to pay on their last year's income and who were now walking the streets or retired on a small pension. He rated what he conceived to be his duty above considerations of personal popularity or political advantage. The distress he was obliged to cause was felt by him to an extent which, while apparent to his closest friends, was revealed in its full acuteness to his wife alone.

The tax on patent medicines, to which the Dutch popula-

tion of the country districts, who often resided many miles from the nearest doctor, were greatly addicted, may not have brought in a large sum to the coffers of the Treasury, but certainly caused an appreciable increase in the royalties of the novelist H. G. Wells, whose *Tono-Bungay* was quoted and recommended everywhere by Merriman in his speeches, with the result that the Capetown booksellers had to send frequent cables for further supplies of the novel. No advertisement of a book is so effective as an allusion in a speech by a popular orator.

What Merriman called his " financial expedients " were the suspension of the sinking fund and a deduction of five per cent. from the salaries of all civil servants from the Prime Minister downwards; from all institutions which drew government subventions such as libraries, museums and hospitals; and from the pay of members of Parliament. It was with the greatest reluctance that Merriman adopted this measure. He had often spoken against such a course, and in introducing the Special Retrenchment Bill he said that he realized that he would be the most detested man in the country, and that there was a great deal of justice in describing the measure as harsh. But it would be a far harsher thing if the State became bankrupt, or if still more pitiless retrenchment had to be carried out. Mercantile firms throughout the country had made far greater deductions from the salaries of their employees, and he looked to the Civil Service to give loyal assistance to the Government in its painful task. Merriman did not look in vain, and it gave him the greatest pleasure before laying down the reins of office to restore, in his last session, the emoluments of the Civil Service to the figure at which they had stood in 1908.

To Sir Somerset French, the Agent-General in London, Merriman wrote that his budget was a cruel business, involving him in an amount of worry which he could not describe. Some gleams of comfort came to him. Sir Walter Hely-Hutchinson begged to be allowed to share in the salary deductions, a sacrifice which was refused since the Governor's

stipend was fixed by statute ; and a cold douche was administered to his critics in the local press by the encomiums of the *Economist*, which signalled out for special praise the deductions from establishment salaries. During the debate it had been pointed out that even such a generous employer as De Beers had been obliged indirectly to reduce salaries by sixteen per cent.

Even these drastic measures were not sufficiently severe, and though, thanks chiefly to Currey, to whom had been allotted the unpopular task of supervising the measures of retrenchment, large savings had been made on the estimates of expenditure, there was still an adverse balance of £369,000 at the end of the financial year. The personnel of the two great spending departments, Posts and Telegraphs and Railways, were reduced in two years by 1538 or eight per cent. of the establishment. It was, said Merriman, " no pleasant task always to say ' No,' never to relax for one single instant from a parsimonious care of the finances of the country." It was greatly to the credit of the Civil Service that the efficiency of the services had not suffered. Indeed, in some departments fewer officers meant less circumlocution and more despatch. Merriman was able to use as text a note requiring a simple " yes or no " which returned to him with no less than 22 endorsements. The department concerned was drastically dealt with and lost half its officers. It greatly pleased him that two clerks were overheard in a suburban railway carriage commenting on the curious fact that though there were half the people to deal with it the volume of work seemed less.

The revenue showed a short-fall of £659,000, of which Customs alone accounted for £297,000, but there were not wanting signs that the tide was beginning to turn. During the first two months of the financial year 1908-9 the adverse balance was greater than it was at the end of the previous year, but in ten months the deficiency had been lessened by over £60,000. The price of Cape stocks had steadily appreciated in London, as indeed they always did during

Merriman's tenures of office at the Treasury, a tribute to his economical management, to the fact that he succeeded in keeping the Agent-General in funds, and that he had refrained from borrowing on the London market. Future commitments were always provided for in good time, with the result that Sir Somerset French had money to lend and the principal stock rose nearly six points during the year. The approach of Union had engendered a spirit of confidence, and trade with the other colonies had largely increased. On some of the branch lines a loss had been turned into a profit, and, during the sitting of the Convention at Durban, Sauer had been cheered by the receipt of a telegram announcing the first increase in railway revenue for many months. For long the Savings Bank had shown an excess of withdrawals over deposits, but at last there was a revival and a distinct improvement in the returns. Since the budget statement for 1909 was not made until October, after the return of the Union Delegation from England, Merriman was able to show that the first quarter of the financial year was a decided improvement on the previous year and he was now fairly confident that the Cape would be able to enter Union with balanced books.

There had been an agreement among the Governments of the four Colonies that there should be no remission of taxation, and no material altering of the financial systems as they stood at the date of the National Convention, before the resources of the country were pooled on going into Union. If taxation was taken off in one direction equivalent sums must be levied in another. Throughout the year Merriman had been subjected to extreme pressure by the Brandy Farmers to abolish the Excise, and by those who objected to paying the local taxation necessitated by the School Board Act of 1908 which had thrown the burden of deficits on the local authorities. To do away with the Excise and shoulder the School Board deficits would cost the Treasury £300,000, and where was such a sum to be found ?

In England a Chancellor of the Exchequer could adjust

customs duties, but in South Africa the Convention stood in the way. Merriman's personal convictions led him to believe that brandy was a suitable product to tax. He did not think that the wine farmer would benefit in the slightest by the remission of the Excise. The cost of a bottle of brandy to the public was less than before the duty was put on, and it was not the Excise that had diminished consumption. This had been due to two causes—the restrictions put on by the Licensing Courts and the depression which led people to economize on luxuries.

To abolish the Excise would be entirely contrary to his principles and he refused to do so. A Wine Commission, which had been sitting, had recommended that a differentiation should be made between wine and other brandy, and in this direction he was prepared to move. He reduced the excise on wine brandy by one half, from 6s. to 3s. per gallon, while leaving the duty on inferior spirit, distilled from the husks and commonly called "dop," at the old rate. This concession was extorted by pressure from the party caucus and angry demonstrations by the wine-farmers who, at one time, threatened to invade the precincts of Parliament. He also found it necessary to meet the agitation against the financial provisions of the School Board Act. To make up for these remissions he proposed to readjust the method of assessing farmers' incomes and to levy a stamp duty on cigarettes.

In the last budget speech to be delivered by a Treasurer of the Cape, Merriman reviewed the progress that had been made since the first Parliament met in 1854, when the public debt was nil and the combined revenue and expenditure but little more than the deficit which had to be met in the last. He said :

> One of the most talented sons [1] that South Africa has ever turned out has warned his auditors that the political balance is passing away from this country, and, like Henry V, he fixes the crown upon his head before the old man is dead. I am sure of this, if the balance of power passes from the hands of this colony with

[1] General Smuts.

all its history and traditions, all its culture, with all its settled population, it will be our own fault. There are many sources of political power, there is the military power which has founded empires, which always crumbled away. Then there is the power of adventitious wealth from the discovery of mines and guano islands, but trace the history of these countries and see if the wealth brought prosperity. There is trade, which is also a power, but the greatest source of power lies in the character and the self-denial and self-reliance of the people. It is upon that I build the future of the Colony of the Cape of Good Hope, and I ask you to remember that one of the greatest elements in the self-reliant character of the people is a firm determination to keep its finances in good order.[1]

The " Votes and Proceedings " during this transitional period are rather difficult to follow, and it may perhaps be convenient, before discussing in detail the labours of the National Convention, to mention, by way of chronological summary, that the twelfth and last Parliament of the Cape, during the years 1908-1910, met on several occasions and held in all five Sessions. The first Session, in April 1908, lasted for five days, and was convened for obtaining further supply and putting the expenditure of the current year on a legal footing. Reference was made in the Governor's Speech to the contemplated Conference on Customs Union and Railway Rates, which it had become necessary to postpone owing to the incidence of the Cape elections, and which had now been fixed for the following month. It was mentioned in the Speech " that the question of the possible Union of the various self-governing communities in South Africa has been adopted as a subject for discussion at the coming Conference," and the Speech concluded with the usual aspirations as to the result.

The next Session began in June and lasted till September. The twelve Cape delegates to the approaching Convention were then nominated by the Prime Minister, the Budget was introduced and much time was occupied with debates on the financial situation. The third Session, opening in March

[1] Cape *Hansard*, 1909, p. 254.

1909, was described by the Governor as probably the most momentous in its history. Merriman moved the House into Committee on the draft Act as agreed by the Convention at Capetown in February. After a full debate on the main topics, the draft was adopted with certain amendments and Parliament prorogued.

After the Bloemfontein sitting of the Convention, the fourth Session began in June. The House then gave its approval, after a short debate, to the draft as there settled, by a majority of 96 to 2, the only dissentients being two former Prime Ministers—Sir Gordon Sprigg and Mr. Schreiner. Schreiner's attitude will require some further consideration in connection with the work of the Convention and the native question. Sprigg had been reseated at the general election by his old constituents ; but he had been much shaken by four years of exile from the parliamentary atmosphere and his contributions to debate were now received with the courtesy due to a veteran rather than for their intrinsic worth.

It was at this time announced that a delegation would proceed to England to make final arrangements as to the drafting of the contemplated Act, which was to be enacted at Westminster as promptly as possible. The representatives of the Cape on this final delegation were to be Sir H. de Villiers, Merriman, Jameson, Sauer and Hofmeyr. This, it may here be mentioned, was the last of Hofmeyr's many and eminent services to his country. The work of the Delegation was completed in July, the South Africa Act was passed in August and Hofmeyr died in London in October. Meanwhile, after the appointment of the delegates, Parliament had adjourned till September, and on 5th October Merriman introduced his last Budget, to which I have already referred. It was only a few days afterwards that there devolved on him the melancholy duty of proposing a resolution on the great loss sustained by the country through the death of Hofmeyr. The speech which he delivered on that occasion was an admirable specimen of its type. " We shall," he concluded, " always deplore his loss as that of a

wise and trusted councillor, and I believe that when the dust of our petty political conflicts is blown aside, it will be allowed that no man had such a pure and undying love for South Africa as Jan Hendrik Hofmeyr."

In preparing this *éloge* Merriman, as indeed he admits in a letter to a London correspondent, must have felt at liberty to apply the *de mortuis* principle appropriate to such occasions. Hofmeyr indeed had often been to him a thorn in the flesh and not least during the Convention, when, after the adoption of the principle of unification, he had been in sharp antagonism behind the scenes. This was specially the case at Bloemfontein, where Hofmeyr organized a formidable opposition to the scheme of proportional representation. " Old Hofmeyr," as Merriman had written in an earlier letter to the same correspondent, " after sending up a good many *ballons d'essai*, finally hit on something that really promised to wreck our scheme. This was the provision for the allocation of the seats in the Union Legislature, which . . . raised a fine storm . . . at one time the situation looked pretty hopeless." After describing the negotiations, he concludes : " I think the passage of the Bill is now secure, though of course we do not know what new machinations H. may set on foot." It will thus be understood that it had been a great relief to obtain Hofmeyr's acceptance of a seat on the London delegation. What Merriman mainly resented in Hofmeyr's methods in public life was his substitution of the tactics of the caucus for the free cut-and-thrust of parliamentary debate. " The evil custom," he writes, " of relying on a sort of ' boss ' that declined all responsibility and tried to work with a little camarilla of sycophants was a thing that has weighed on our parliamentary life for years." Yet there were many matters of the first importance—such as the Jameson Raid, the Boer War and the upkeep of the British Navy—on which they were at one ; and Merriman, as time went on, grew to recognize more fully that Hofmeyr combined the true milk of patriotism with genuine loyalty to the Crown.

I must here revert for a moment to the financial position during the last days of the Government and Legislature of the Cape.

As already mentioned, during the four years of the Progressive Government over 13 millions had been borrowed in London, and for this accommodation no less than £771,000 had been paid out, in the shape of commissions, discounts and underwriting, " to the good-natured gentlemen who undertook the business in the City." [1] Merriman had not forgotten how highly the Colony had had to pay for similar accommodation in Scanlen's time and was always fulminating against those whom he described as " the London sharks." On such points his declamations were somewhat exaggerated. When Scanlen raised with much difficulty, in 1883, a five per cent. 10-40 Loan a little below par, Merriman seems, judging from the correspondence of the time, which has already been quoted, and in view of the grave financial situation, to have been far from dissatisfied ; while in later years the Colonies had been enabled, by compliance with the statutory provisions, to issue their loans as trust securities on very moderate terms. The precise rate of course depended largely on the Bank rate of discount and other extraneous circumstances and no doubt to some extent on the credit of the borrowing Colony.

Merriman, during the hard times to which he succeeded, managed to keep off the London market and issued an internal loan of £1,500,000 at four per cent., of which over £500,000 was received in cash, the balance being obtained by the conversion of outstanding Treasury Bills and Stock Certificates. The cost was only nominal and the operation, as far as it went, certainly presented a very favourable contrast to those of his predecessor in office. This was the only loan contracted during his administration, and the Cape went into Union with its interest requirements duly provided for and a cash balance of about £172,000 after deducting the sum of £110,000, for a refund to the civil servants of deduc-

[1] *Memorandum on the Financial Position, Feb.* 1908 *to April* 1910, p. 7.

tions from their salaries, which he was pleased to be enabled to make in a special Session which lasted for about an hour on 9th April, 1910. On the two previous days (7th and 8th April) there had also been special sittings of the Legislature (under the South Africa Act, Sect. 23) at which the two Houses, sitting together, elected eight Senators to represent the Province in the Legislature of the Union.

Merriman's diary at this time contains some rather pathetic references to farewell visits from colleagues and personal friends before quitting his room in the Treasury, where, in difficult circumstances, he had done so much good work for the land of his adoption, and bringing to an end his official life as a Minister of the Crown.

With regard to the events of the last two years, it has been difficult to determine whether the more convenient course would be to endeavour to combine the narrative of the National Convention with a summary of the proceedings in Parliament, adhering as far as possible to the order of date, or whether it would not be preferable to conclude the history of the Cape Parliament before opening the chapter of the National Convention, which was to evolve the Union of South Africa. The balance of convenience seemed on the whole to incline to the latter method. So far, however, as it may seem necessary to refer to the debates in Parliament on the question of the Constitution, it will obviously be convenient to include such reference in the following chapter.

CHAPTER XVI

THE NATIONAL CONVENTION

The National Convention—The Conference at Pretoria—Question of Chairmanship—Urgency of Union—Merriman's ideas as to its form—Letter to Smuts—The Swiss Confederation—Proposals for a National Convention—The Canadian precedent—Nature of the Constitution—Merriman's intercourse with Steyn—The Convention meets at Durban—Merriman's study of other Constitutions—His views as to native policy.

Towards the end of 1907, Hull, then Treasurer of the Transvaal, anticipating that the South African party would shortly be in power at the Cape, wrote to Merriman on the subject of the ensuing Customs and Railway Conference at Pretoria. The Transvaal Cabinet, recognizing the practical interest shown by Lord Selborne in bringing the four Colonies together, had suggested to the Prime Ministers of Natal and the Orange River Colony that he should be invited to preside at the Conference and their consent seems to have been obtained. Merriman, however, emphatically differed from the proposal. In a letter to Hull (29th November) he says :

I have to thank you for your courteous letter, though to assume the right of reply in such a matter is, I feel, rather like dividing the bear's skin while the animal is still alive ; I shall, however, give you my own private opinion on the matter, upon which I hold very strong views. I look on the Customs and Railway Conference as a body constituted *de facto*, if not *de iure*, for the purpose of imposing taxation on the people of South Africa and I hold that in such a body an Imperial Officer should have no part or lot. The practice grew up under Lord Milner who, I suppose, in the absence of any constitution, might have considered that he represented the taxing power in the two newly-annexed states, an assumption which in itself involves very nice constitutional points. . . . But it is of no good purpose to drag in ancient history. I cannot see how Lord Selborne can have any *locus standi* in any capacity in a body formed for considering the taxation of the people of South

Africa, and if the opportunity arose I should enter my formal protest against such a course. Taxation being of all things the special function of the people through their representatives, I should most strongly object to the intrusion in any capacity of any Imperial Officer into the deliberations of such a body as the Conference.

I say this with no sort of personal reference to Lord Selborne, who is an official of great ability and, I believe, a true well-wisher of South Africa. But you must consider that you are creating a precedent, and, to that extent, abandoning a peculiarly British right and that in the future grave inconvenience may result. To mention only one instance, the principle of preference is one which was forced on the Bloemfontein Conference, entirely in opposition to the expressed views of the Cape Parliament, solely by the influence of Lord Milner.

Without prejudging the case in this matter it is easy to see that the opinions, which would naturally have great weight, of the representative of the Imperial Government might conflict with those of South Africa. The Ark of the Covenant should not be brought into the battle. I am sure that on reflection you will see that this is sound policy.

Hull was inclined to agree with Merriman's point of view, but Botha replied that Lord Selborne, as High Commissioner, was the legal head of the C.S.A. Railways until such time as the Inter-Colonial Council should be dissolved. Further, the Governor-General of Mozambique was to be at the Conference and his standing was above that of a Prime Minister. Other considerations pointed in the same direction, and Mr. Moor, of Natal, had agreed to an invitation being extended to the High Commissioner. But Merriman remained obdurate and unconvinced.

Whatever [he wrote to Botha on 20th December] the decision of the majority may be I should of course make the best of it, feeling that the assembling of this Conference is all important, but I feel bound to express my grave distrust at the position assumed by the High Commissioner—views I may say that I have many times given utterance to in our Parliament. Government of South Africa by South Africans seems to me a wholesome ideal, and the intrusion of the factors you mention in our discussion seems to be a breach in the doctrine which we, and I think you,

hold strongly. In this matter there is the old latin proverb " Principiis obsta " which is worth remembering.

In this attitude Merriman was supported by the Orange River Colony and also by his own Cabinet when, a few weeks later, he showed the correspondence to his new colleagues. In the end his suggestion that the senior Prime Minister should preside was adopted, and the chair was taken by Mr. Moor, of Natal.

With the accession of his party to power Merriman's correspondence on the subject of Union gathered momentum. He had been in office scarcely a week before he was writing to General Botha on the date, composition and agenda of the forthcoming Railway and Customs Conference at Pretoria. The Jameson Government had already agreed that the question of closer Union should also be discussed, and Merriman sought Botha's opinion as to the desirability of including the Indian Question, which he considered of too urgent importance to await a formal union. A preliminary meeting between himself and those who held the reins of power in the Transvaal he thought would be of great use and he invited Botha and any of his colleagues to meet him at the Port Elizabeth Agricultural Show, which was to be held in March, and would afford a good opportunity for discussion without attracting the attention which a meeting *ad hoc* would be sure to do.

Before Merriman assumed office, Natal had formally raised the question of Defence and the Transvaal those of Weights and Measures and Indian Immigration. The Conference was thus likely to be overloaded with work, and Smuts wrote to suggest that Federation might be so near that it was better that the Delegates should address themselves to the greater issue without waste of time. Besides, there was another and stronger reason for haste. In the last few months a very dangerous movement had been growing in the Transvaal. Farmers and industrialists were clamouring for protection against the rest of South Africa, and, according to Smuts, were " for putting a ring fence round our border and for forced

development of our own industries and agricultural production and for protecting local markets." Botha and Smuts had been stumping the country to combat this movement, but it was becoming stronger and, in the opinion of both, delay would be fatal.

On the 24th February Merriman sent to General Smuts a draft of his ideas on Union, which it is interesting to compare with the latter's lengthy memorandum of six months later which served as the basis for so many of the resolutions presented to the National Convention. He writes :

I quite agree with you as to the necessity of pushing the question of Union. There is just a probability that if we three States—Transvaal, O.R.C. and Cape—insist, we can carry the thing by a *coup de main* ; while if we wait, I can quite foresee that it may be a very long business ; and in the interval we may be crushed by the financial situation. We are something like the Allied Army after the battle of Alma. If they had marched on, they might have carried Sebastopol, but they chose to proceed *secundum artem*, and the result was a long and inconclusive campaign and much misery.

I am not ignorant of the feeling of narrow isolation that you describe. With you it is material—with us it also exists, but it is based on the natural jealousy of an old community that does not like to lose what it has for so long held. I feel that beneath the surface the same force is at work—with you it appeals to self-interest, with us to local jealousy. It finds its natural allies in the Rhodesian clique, who wish to saddle South Africa with the Charter liability, and the feeling is not yet extinct in England that a "Dutch" majority is something to be dreaded. I think this is strong on the Tory side, but it also exists on the Liberal benches though they are afraid or ashamed to own it. It is for this reason that I think it so supremely important that our party should be strengthened by members from English communities—and incidentally I think that the visit of yourself and Botha to Port Elizabeth would have a *very good* effect.

You will gather from what I have said that I, and I am sure that I can answer for my colleagues, will be prepared to meet you more than half-way. So much for the general aspect of the case. When we come to details, the trouble begins. I am entirely at one with what I take to be your view—that the nearer we get to a

unified form of government the better it will be ; and I think we may accomplish this in spirit if we do not in letter.

We might, *e.g.* have one Parliament, retaining the States as Provinces with Provincial Councils and elected Presidents, who should be the principal Executive officers. We might divide the Cape Colony into two or more Provinces. The Central Parliament would be the law-giving body and it would be responsible for all administration not expressly delegated to the Provinces. The great difficulty is the franchise. This might, I think, be overcome by allocating members to each Province in proportion to European inhabitants only ; leaving the question of the franchise to the Provinces themselves and providing that the local franchise should not be altered, except on a two-thirds majority, to be ascertained by a plebiscite of registered voters in the Province.

Should there be two Houses, or one ? Personally, I incline to the latter, if some carefully arranged referendum could be adopted —but I cannot conceal from myself that the general weight of experience is against me, and " Securus iudicat orbis terrarum." If there was a Second Chamber, it would work out better if it was elected by the Provincial Councils. An Upper House elected by manhood suffrage, or, I suppose you would add, by colour vote, would not add much weight.

Where should the Capital be placed ? This is a question which bulks very large in the minds of some people—for myself, I am quite indifferent. Debts, I think you will agree with me, should be taken over. So should Railways, Defence, Native Affairs and the Higher Courts—but one might fill pages with the mere suggestion of these details. I only mention them in order that we may get our minds working on the same plane.

I hope you will find time to study the working of the Swiss Confederation. It is a fruitful example of a Government, which, though it is composed of Sovereign States—very jealous of their Sovereignty—still seems to have more of the functions of a centralized Government than that of the United States, which in the beginning was formed from communities that had a common citizenship and only a dependent autonomy. The reasons for this, and the machinery by which it is brought about are very deserving of close study. We must depend in the main on the *sentiment* of the South African Party, always recollecting that the defence of prejudice and self-interest always tends to be far stronger than the attack.

Smuts was of opinion that procedure was more a subject for urgent consideration than principles. These could be studied later. He thought the Pretoria Conference should settle the procedure which the participating Governments should follow in trying to bring about Union. He had been carefully studying and comparing the steps which the United States, Canada and Australia had taken to secure federation. Should Governments or Parliaments or a popular Convention undertake the preparation of a constitution? And should such a constitution, when drafted, be submitted to the Parliaments or directly to the peoples for acceptance? He desired Merriman to give very careful consideration to these questions as a wrong procedure might prove very dilatory, or even fatal.

Merriman's mind was now fully occupied with the elections, but before setting out to take part in the campaign in the Eastern Province he found time to set down his conclusions on the subjects Smuts had raised.

I favour [he wrote]—subject, of course, to discussion—(1) That at the Conference, while entering into the fullest discussion of the main points, *e.g.* the Federal or the Unified system, *i.e.* one Parliament delegating powers to Provincial Councils, or many Parliaments with one Central Parliament dealing with specified matters; the nature of the franchise, and so forth; we should not go further than to approve the principle of Union in a resolution, and further ask that the several Parliaments should nominate delegates to a Convention, such delegates to be on the basis of the European population in each State and to be chosen as each Parliament may prescribe. (2) The Convention so chosen should proceed to draw up the Constitution, which instrument should be submitted to the several Parliaments for acceptance or amendment. (3) That such amended Constitution should be again considered by a Convention, and then (4) submitted for ratification to a plebiscite of States.

In Canada there was a preliminary Conference, which met at Charlotte Town in September 1864, and adjourned to Quebec where they sat from 10th October in secret session (28 meetings) and drew up 72 Resolutions which were submitted to the Legislatures, and after endless "fluctuations and disappointments"

deputations from every State met in London in December 1866, when the British North America Act was drawn up, and was signed by the Queen in the following March.

But another question arises. Our Constitutions are not Parliamentary Constitutions. They are given by the King, who has no power, except with our consent, to revoke his gift (see *Campbell* vs. *Hall*, per Mansfield, C.J.), and we should consider carefully whether we should desire a Parliamentary Constitution for our Union—whether it should not be our own Act approved by the Crown. Both in Canada and Australia they had a number of jarring communities ; here in South Africa *at present* there is among the Governments—with the exception, perhaps, of Natal —a strong sense of and feeling for Union, which ought to smooth away difficulties.

I do not see why the several stages I have sketched need take more than twelve months. The Constituent Convention might meet at the end of this year and the Constitution be submitted to the Parliaments at the Sessions in 1909.

Sir Henry de Villiers, to whom Merriman had sent copies of his correspondence with Smuts, considered that these proposals opened up the way to a practical solution of the question of Union. He asked, however, whether it would not be better that the Colonies should be equally represented at the Convention since each had an equal interest in the decision of the question whether there should be a Union, and, if so, what its Constitution should be. Until the new Constitution was established his view was that each State, as a separate entity, stood on a perfect equality. This idea of voting by States was to be put forward at the Pretoria Conference by the representatives of Natal and the O.R.C. with all the force at their command.[1]

To Steyn, whose opinion he valued so highly, Merriman wrote :

On the great question of Union, I think there is an *entente cordiale* between ourselves and the Transvaal. There is a feeling in certain quarters that the Free State is somewhat lukewarm and, particularly on Native questions, Fischer is rather *difficile*. You who have so much weight in the counsels of the State will know

[1] See Walker's *Life of Villiers*, 427-9.

whether this is the case and will, I hope, use your influence to ensure the sinking of separate feelings in the broader issues. As regards Union, I am inclined to endorse the Transvaal feeling that it is now or never, that if we let the present opportunity pass we shall witness the growth of separatist feelings and prejudices, deriving their strength from vested interest of one kind or another. It will be a supreme misfortune if this should be the case. I have been exchanging views with Smuts, and if you care for it I can send you the correspondence.

As regards procedure, I think the most we can do at the coming Conference is to pass a general resolution in favour of closer Union, inviting the States to get their Parliaments to choose, in whatever way they like, delegates to a constituent Convention. That this Convention, at which I venture to hope both you and our Chief Justice should have seats, might draw up the form of a Constitution for the Union. That such Constitution should be submitted to the Parliaments for amendment, then re-submitted to the Convention and finally ratified or rejected by a European plebiscite.

But while I think Natal is a negligible quantity I cannot but regard the O.R.C. as holding to some extent the key of the position, and it would be nothing short of deplorable if we were to find the obstacle to South African Union in that quarter. You, of course, know what the feeling there is better than anyone, and I hope you will be able, without any breach of confidence, to give me timely warning if my fears have any ground. I am convinced that it may be years before the planets in the political heavens may be in such favourable conjunction for this great work.

Merriman was able to secure a morning of uninterrupted talk with Smuts at Port Elizabeth, during which they came to an agreement as to procedure and the basis of representation. On 30th March, he was back in Capetown, where he received the criticisms of the Chief Justice on his proposals. These were promptly forwarded to Smuts, to whom he wrote :

Criticism from such a source is valuable. The most important is that which pertains to stage 2—viz. the Constituent Convention. You will notice that he is not in love with my suggestion of proportional representation. I confess that I am not convinced on that point. The reasons for my position I think we discussed at Port Elizabeth, and the more I reflect on it the stronger is my

opinion that a course which ignored the relative proportion of States would open the door to opposition in this Colony—and perhaps in yours—that might wreck the prospect of union. But by fixing a minimum and by adopting your suggestion as to voters a *modus vivendi* may I hope be arrived at.

I consider that in any constituent convention to give satisfaction the Cape Colony ought to have the following represented : The Government and The Opposition ; The West and The East ; The Agricultural and The Commercial Elements. I suppose something of the kind would obtain in your country. We must before all things avoid the idea that the Convention is to be a mere hole-and-corner meeting of a few politicians. It is a great national issue in which the whole of South Africa is concerned. I am very glad to think that I shall have an opportunity of discussing the matter with President Steyn. At present it seems to me that we should fix our attention upon (*a*) the form of resolution to be submitted to the Conference, (*b*) the nature of the Convention and its constitution. I hope you agree.

Three weeks later Merriman wrote that he was still more strongly of opinion that the representation of the Convention should be proportionate and that any departure from this principle would endanger the acceptance of Union. As to the exact basis on which the proportion should be founded he still had an open mind.

On 4th May the Railway and Customs Conference was opened at Pretoria and these plans were put to the test. No time was lost over preliminaries, the first two days being occupied in debating Closer Union. The discussion was opened by General Smuts, who said that the present situation was intolerable, and if not dealt with, a movement would grow for separation rather than union. The immediately pressing question was that of initiatory procedure and he described how the early movements in the direction of federation had taken place in the United States, Canada and Australia. He then proposed that each Colony should send representatives to a deliberative and advisory Convention on the basis of one for every ten and remainder over five of its popularly elected representatives in Parliament. This would give the Cape twelve, the Transvaal eight and the O.R.C. and Natal

five delegates each. Merriman pointed out that on actual European population this apportionment would mean that the Cape would have one member of the Convention for every 50,000, the Transvaal one for 35,000, the O.R.C. one for 30,000, while Natal would have one for only 20,000. Smuts then moved the six resolutions prescribing the procedure which should be followed in the attempt to bring about Union. Merriman seconded and hailed the resolutions as the first step towards national union, and urged the merits of unification as against federation. The case for voting by States and equal representation was strongly put by the Natal and O.R.C. members. Smuts made another spirited appeal to the Conference, saying that the question must be taken in hand and dealt with firmly. He anticipated much trouble in the Transvaal, where pretensions ran high, and he moved that the Convention should meet as soon as at least two Colonies had appointed their delegates.

The remainder of the week was spent in wrangling over railway and customs matters. The prospect of Closer Union, no doubt, gave a sense of unreality to the negotiations, but the friction served to carry conviction in the minds of those present that unless some form of union was achieved agreement on tariff and railway matters was unlikely, and an appeal to economic interests would lead to grave complications. The Conference adjourned, to meet at Capetown on 26th May. In the interval Merriman had his long-sought meeting with President Steyn, whom he regarded as holding the key to Union. He attached the highest importance to Steyn's presence at the National Convention and was sure that his support would not only secure the adhesion of the Orange River Colony but exercise a great influence among the Dutch of Cape Colony, who might otherwise be stampeded by the hostility of J. H. Hofmeyr to the unitary principle.

On 28th May the adjourned Conference, after a feeble protest from Natal, agreed to confirm the Pretoria Resolutions on Union and to prolong the existing Customs Convention until 30th June, 1909, subject to minor modifications,

provided that any party thereto might give not less than three months' notice of its wish to amend the Convention or its intention to withdraw from it. The Conference further decided that the National Convention should meet in Durban, a wise choice which made it difficult for Natal to hold aloof while the Convention was enjoying her hospitality.

Merriman's attention was now given to the selection of the delegates to the Convention at the forthcoming session of the Cape Parliament, but above all he did his best to persuade Steyn to accept nomination, asking General Botha to assist him in overcoming the ex-President's reluctance. At last Steyn gave way, though he knew that in his state of health there was a certain risk. He wished, however, to be reassured on certain points :

> There is, however, one thing which I wish to write openly to you about. As you know I am heart and soul for this Closer Union. My sole reason is that I see in it the only way of uniting the two races and so forming them into one strong Nation. To do this, however, the new Constitution must put the two races on absolute equality. For as long as the one race considers itself, in ever so slight a way, placed in an inferior position to the other, there will never be that harmonious co-operation which is so necessary and so desired by us all. I could therefore only be a consenting party to a Constitution in which that equality is not only laid down but in which it is safeguarded against any future racial feeling that may arise. I, of course, know that the Constitution will not be a law of the Medes and Persians but I feel that a view strongly expressed in the first Constitution will not be easily altered in the future.
>
> Why I put this matter before you is that I feel so strongly on this point and I know that as regards the language etc., we will have to fight those members of the Opposition who will be appointed as delegates by the various Parliaments and I am quite prepared to fight them, but I do not feel that I could go to a Convention if I have to fight men in our own ranks on such cardinal points. I should like to have your view and advice on this matter as it will help me to come to a decision.[1]

Merriman gave Steyn his assurance on the point and

[1] Steyn to Merriman, 6th June, 1908.

General Botha paid a flying visit to *Onze Rust*, during which he told Steyn that it would be quite impossible to carry *Het Volk* with him unless the principle of equality was adopted. Satisfied that his friends in the Transvaal and at the Cape were in earnest about the absolute equality of both languages, Steyn now consented to nomination.

As regards the Cape delegation, Merriman was successful in making a selection which included, besides the Chief Justice, representatives of all those elements in the colony which he thought should have a part in framing the Constitution. All the delegates, it may be observed, were members of the Legislature, the Chief Justice, of course, as President of the Council. His choice was received in the House of Assembly with cordial recognition of its impartiality and was adopted unanimously on 22nd June. At the same time the House accepted Merriman's motion confirming the Pretoria Resolutions in a spirit of goodwill which boded well for the future team work of the Cape delegation.

" Battling the watch " with the disordered finances, with all the worries of the session upon him, Merriman yet found time to read everything that he could find relating to the federal movements in Canada and Australia. Especially did he study the constitution of New Zealand, which he considered would afford the most useful precedents for South Africa. Still more did he devote his attention to an intensive study of the native problem. It was on the rock of the native franchise that the Convention was most likely to split, and it was essential to hit on some compromise likely to prove acceptable to the other three colonies. Smuts sent him some correspondence he had had with Mr. J. A. Hobson on the question, and this drew from Merriman a statement of his conclusions :

Undoubtedly [1] the Native Question is one of the most delicate that confronts us when we seriously consider the form and conditions of future Union. For this reason I have tried to discourage any public discussion of this most thorny subject, which is bound

[1] Merriman to Smuts, July, 1908.

to raise an amount of heat and prejudice that may wreck the best conceived plan. From the broad point of view the mere enumeration of the relative numbers of the population makes it clear that the Imperial Authority undertakes a grave responsibility in handing over the entire tutelage of 4,500,000 of their native subjects to the unrestrained dominance of 1,200,000 Europeans. That the dominance must be uncontrolled is quite clear, for I am sure that you will agree with me that one of the chief, if not the chief, object of Union is to rid ourselves of the pernicious and ill-informed interference that has worked so much mischief in the past by using the natives as a sort of stalking horse.

This responsibility will, you may be sure, be most present to the minds of our Liberal friends and may be used by the other party for creating an opposition to our constitution by imposing impossible guarantees.

I entirely agree with you that it would be quite impossible to dream of any general native franchise at the present time. If it were adopted at the Convention it would unquestionably lead to the rejection of the Constitution in the majority of the States. I ought also to add that in the Cape we are pledged as far as the most solemn assurances can go to maintain the rights conferred by our franchise. I have always looked to effecting a compromise on the basis of a separate franchise for the provinces with material safeguards in the constitution as regards alteration. At the same time we should base the distribution of representatives purely on the European population. This, as it seems to me, would, while fulfilling our obligations, not offend the susceptibilities of any community.

I have tried to find a better solution in vain. One alternative would be to cut off the native territories and govern them as provinces, allowing large privileges in local government as we do in the Transkei, and as we shall have to if Basutoland is annexed. To this solution Natal, and indeed our own Eastern districts and the Northern Transvaal, would form a grave difficulty. To any scheme of fancy representation on the New Zealand plan the relative numbers form the gravest objection, as indeed they do constitute and always will remain our gravest menace. Those 4,500,000 souls are in different stages of progress but they are all progressing. When one looks back 25 years and sees their present condition "it gives one furiously to think." They are unfortunately the workers, and in every country the future belongs to the worker. At their best they are, to our own shame be it said, above, in many cases far above, our lowest stratum of Europeans,

and there are not wanting evil signs, which we would like to shut out but cannot, of an intermingling that bodes ill for the future. When one sees on one side the drunken degraded European or the apathetic hopeless poor white, and on the other the decent respectable native farmer or artizan one has misgivings as to the future akin to despair. Still, as Burke said of India, " there they are and there the Almighty has placed us, the situation of man is the preceptor of his duty."

To me personally the idea of a native franchise is repellent, but I am convinced that it is a safety valve, and the best safety valve, and that so far from its leading to any immediate danger it will be generations before the European political supremacy will be menaced, while it does undoubtedly not only safeguard the rights of the inferior race but also gives them a content which puts an end to the political unrest that any unrepresented population always will have. For this reason I am in favour, in a country like ours, of a high franchise, the higher the better, and I bitterly regret that in the Transvaal and Orange River Colony you were led away by the *ignis fatuus* of manhood suffrage, which is to my mind the most anti-liberal among all the idols of the modern market-place.

However, it is no use crying over spilt milk. We have to make the best of the situation as it is and face all the dangers of the future with what wisdom we may. I have gathered from our intercourse that men like yourself, General Botha and President Steyn hold not very dissimilar views on native matters from myself, but I quite recognize that you are in advance of the majority of your own people and that it would be mere midsummer madness to court disaster by pushing things. There is another point that Hobson and his friends do not sufficiently recognize and that is that the most violent illiberal native views are to be found in the large centres among the newcomers, especially among working men who regard the natives not unjustly as their most dangerous rivals, and having been regarded, however unjustly, as " the lower classes " in Europe are delighted on arrival here to find themselves in a position of an aristocracy of colour. Now the attitude of the Boer, though perhaps not more sympathetic, is quite different, but that is another story and I have taken up too much of your time already.

CHAPTER XVII

A SCHEME FOR UNION

Smuts's scheme for Union—Merriman's criticisms—Merriman as convener of Convention, which meets at Durban—Sir H. de Villiers elected Chairman—On Merriman's motion the principle of unification is adopted, the Colonies becoming Provinces with powers of local self-government—Operation of Canadian Constitution—Problem of local administration—Constitution of Senate and Assembly—Difficulties as to franchise—Administration of Protectorates—Delimitation of electoral divisions—Administration of Justice—The Judicial Committee.

At the end of August General Smuts circulated his memorandum on Closer Union and said that if the main ideas were approved he was prepared to proceed with the drafting of a constitution. He was anxious for criticism of his proposals. To this Merriman replied with the following, which, like Smuts's scheme, was sent to President Steyn and Sir Henry de Villiers.

I have read with great interest the suggested scheme for South African Union and would venture to offer the following criticisms and tentative suggestions :

I start from the assumption that the whole aim and object of the Convention is " Closer Union "—not the creation of some elaborate and costly machinery, which, while perpetuating local jealousies, will superadd to them an entirely new set of differences.

The crying need of South Africa at the present moment is economy of administration. A very superficial study of the figures will serve to convince anyone in this respect.

Any proposed system that does not deal with this manifest evil is foredoomed to failure, and, on the other hand, success can only be achieved if we keep this vital matter steadily in view.

I am therefore of opinion that we should at the outset lay down the principle that there should be only one Legislature in South Africa, that it should be supreme both over the Courts of Law and the Local Bodies that may hereafter be created.

I mean that the Legislature and not the Courts should lay down the law of the Constitution, and that the Courts should be bound to administer the law so laid down without cavil or dispute. This is the Swiss system, as opposed to that of the United States, Canada and Australia, where endless friction is caused by the power given to the Courts to override the Legislature in the interpretation of a written document.

I recognize the position taken up by Mr. Smuts that there will be a reluctance in some communities to surrender certain rights. But surely this lies at the very root of the whole movement. No State makes a surrender, it merely merges itself in the Common Body for the general good of the whole of South Africa with the object of forming one strong political entity in the place of a bundle of jarring and wrangling little Communities—extravagant and overgoverned. In a word I am for "Unification," and I think that any form of Government that approaches the federative model will increase rather than diminish the difficulties under which we now suffer.

At the same time I recognize that local administration must be provided for on broad and generous lines. There should be provincial Councils and provincial executive officers who may be styled Presidents or Secretaries. To have a set of subordinate responsible "Ministers" with Lieutenant-Governors would simply perpetuate the ruinous extravagance that is now in vogue.

The power and the functions of these local Councils will have to be very carefully considered. Primary education? Health, Agriculture, Roads and Bridges, Private Bill legislation (within limits). They should be empowered to issue ordinances subject to the veto of the Central Government.

As to the Constitution of the Central Legislature. I suppose we must follow the beaten track and have two Houses— though I confess that I hanker after a single Chamber and a restricted referendum. As regards the House of Assembly, I am inclined to agree with Mr. Smuts as to numbers. It will be a certain sacrifice for the Cape Colony but not, I think, an undue one in view of its size and numbers, which are out of proportion to those of the other Communities concerned. Quality in these matters is far more important than quantity.

The principle of dividing the Cape into Provinces would, I think, be a convenient one, but I question whether the annexation of Griqualand to the Orange River Colony would be agreeable, or whether that of tacking Bechuanaland on to the Transvaal would be convenient. The area of the Transvaal is incon-

veniently large as it is. I should incline if a division is to be made to suggest the formation of a new Province ; but this is a minor detail.

As regards the Senate (if we fix the name) I would rather suggest that the members should be elected by the Provincial Councils. Experience has certainly taught us that the system of large constituencies in our Colony has not worked well. I do not think that anyone would contend that it has resulted in getting together the cream of the Legislative ability in the Colony. I would certainly also plead for the inclusion of a certain official element—the Provincial Secretaries, the Judges who have retired on pension, Cabinet Ministers who have had a certain length of official tenure, might have an ex-officio membership—not perhaps a very democratic doctrine, but one which would certainly add weight to the Senate.

The mode of distributing the seats in the Assembly and the Franchise are both highly contentious matters upon which it is difficult to lay down hard and fast rules. Taking the population basis (European population only), would tend to throw the weight of representation into urban communities, largely non-South African, which would certainly not give satisfaction. Wealth, occupation and area are all factors, to say nothing of the native population which has always been taken into consideration in this Colony. I do not believe that we can hit on any doctrinaire contrivance and [think] that we shall be driven back on the old-fashioned rule-of-thumb solution in one shape or another. The question of periodical redistribution according to census figures seems to presuppose failure in our attempt to form one people and a perpetuation of our mischievous local divisions.

On the franchise question I agree with Mr. Smuts. For the present each province must retain its own, and certain guarantees will have to be inserted in the Constitution to this effect. After all, this departure from the Procrustean democratic rule is, or was, an outstanding feature of the British system, and as Mr. Smuts rightly points out was followed in Canada without, as far as I know, any inconvenience. To me manhood suffrage is intensely distasteful, to others I suppose the native vote would be equally unpleasant—but we must have toleration or we shall achieve nothing.

I do not understand the allusions in the memorandum in connection with Native Affairs to the Supreme Chief. We cannot have anyone supreme except the Parliament of the Country. I am totally opposed to anything in the shape of an *imperium in*

imperio. I think we should be very unwise to embody in our Constitution any hard and fast rule as to the way in which the Parliament of South Africa shall exercise its functions. Provisions of that kind will surely create suspicion and friction.

There should be one Supreme Court sitting in divisions, though personally I think single-judge Courts of first instance have much to recommend them, and one Appeal Court, which, if possible, should be final, without appeal to the Privy Council—that rich man's luxury.

The question of the Capital I confess does not greatly interest me in comparison with the larger issue, but it bulks disproportionately large in the minds of many. I think therefore it would be advisable to fix it in the Constitution and it will probably lead to more dissension than much more important matters.

Above all we must constantly bear in mind that as Europeans we are but a handful in the face of an overwhelming mass of an inferior race. That we have what is I verily believe the most costly government in the world—totally disproportionate to our resources and singularly inefficient. Our task is to mend this if we can, and no sacrifice in reason will be too great if we can achieve a satisfactory result.

To General Botha Merriman wrote [1] frankly of his dislike of the "one vote one value" principle, saying that he regarded it as a democratic shibboleth utterly unsuited to the country where, in the nature of things, society must always be on an aristocratic basis.

I believe in a high franchise with the truly liberal addition that you should shut no man out from the privilege if he can attain to it. Having said so much I will hasten to add that I can appreciate your difficulty, with a manhood suffrage for Europeans only, which I regard as one of the greatest stumbling-blocks in our path. If we are to keep this country in a sane and sober state we must see to it that the balance of power is in the hands of the landed interest, and, with the "one man one vote" principle, this is impossible. Believe me, in the settlement of this lies the whole future destiny of South Africa. You can see in our present state of financial ruin the effect of putting the government in the hands of the floating population of the towns, who are at once

[1] Merriman to Botha, 17th August, 1908.

cruelly extravagant and absolutely unfitted to be entrusted with the control of the native population, with whom they never come in contact, and from the results of the mismanagement of whom they never suffer.

As regards the automatic redistribution of members, this should be in respect of the population—not the voters' roll—of each province, or whatever we call the areas for local government, always bearing in mind the enormous danger of throwing the balance of power into the hands of the large urban communities. Just see how Australia is ridden by its large cities, and be warned in time. I can conceive no greater misfortune for South Africa, with its overwhelming native population, than a reproduction of Australian conditions, in which a white democracy, without any of the responsibilities that land-holding confers, should dominate our policy. I do not think that our people would ever consent to this ; they would rather remain as they are. I hope that you will take this point of view into most serious consideration. I ask you to remember that the South African War, with all its forgetfulness of the first principles of right and justice, was the work of the ignorant democracy, and it is my firm conviction that if we are unfortunate enough to set up that form of rule in South Africa it will lead to a conflict of races that may put an end to all hope of making this a civilized country.

Fortunately there is no need for uniformity either in franchise matters or anything else. We shall be safer in following the teaching of England in these matters than those of America or Australia. You are quite right in drawing attention to the forces behind all this pretended love for democratic principles. They are really a wish to see the Capitalist from oversea the master, instead of the man on the land ; and the notion that we shall be drawn into the current of modern Imperialism with all the negation of right that it stands for. I hope that we may count on you to see that this evil is averted. I think you can reckon on the Cape. I am sure you can on the Free State, but I fear that Natal is past praying for in these matters.

Merriman hoped that his appeal would move General Botha, whose greatest expression of scorn for the lawyer, professional politician or " no-account " member of Parliament was always : " Why, the man does not own a single sheep ! " Smuts, however, to whom Botha passed on the letter, replied in terms of gentle badinage for Merriman's

old-fashioned views and reminded him that, notwithstanding doctrinaire aids to the manhood of the Rand, *Het Volk* had achieved victory in the last Transvaal elections.

To Merriman, as Convener of the Convention, fell the task, in discussion with his fellow prime ministers, of arranging for the secretaries, issuing the invitation to Rhodesia—whose three representatives were to have a consultative voice, without a vote—and agreeing upon the procedure to be adopted. As the time for meeting drew near Merriman's high hopes were a little dashed by what he described as the display of parochialism and the arrogance of wealth on the part of his Transvaal friends. However, he was delighted that Sir Henry de Villiers had come back from a mission to Canada much impressed with the weakness and evils of the system of federation as compared with legislative union. He thought the Convention should come to a decision between the two principles at the earliest possible moment and drafted a resolution, which he wished either Botha or Smuts to move, declaring to the latter that a "South African Parliament supreme in its own sphere will be a grand and, what is more, a most beneficial achievement." As so often when he scented the fray, Merriman's spirits rose. "I shall be glad," he writes to Sir Somerset French, "when the work really begins and when the opportunity for foolish speaking comes to an end. I am not very sanguine of the result, but we shall do our best to turn this into South Africa instead of a bundle of disunited communities."

The Convention met at Durban on 12th October. Every effort was made to mark the significance of the occasion and give *éclat* to the gathering of the statesmen of South Africa. The King sent a cordial message through the Secretary of State; the Governor, Sir Matthew Nathan, attended the first sitting to offer the welcome of the Colony; the representatives of the Crown in the other Colonies sent appropriate messages; the Mayor, with a large concourse of citizens, met the members in the Town Hall, and placed the Council Chamber at their disposal for their deliberations.

The Admiralty dispatched a squadron to the port, which greeted the Convention with flying colours.

When the proceedings began, Sir H. de Villiers was elected Chairman and Mr. Steyn—who still received the complimentary title of " President "—Vice-Chairman of the Convention. At the first meeting, after certain questions of procedure had been disposed of, it was resolved, on the proposal of Merriman, " that after this date the proceedings of the Convention shall be absolutely secret ; that no records of any speeches be made, but that records of all resolutions, proposals, amendments and divisions be kept." Merriman subsequently took an opportunity of deprecating the publication by Sir E. Walton, one of the Cape delegates, of the *Inner History of the Convention*, as inconsistent with the spirit of this rule ; and the summaries given by the author, who was a practised journalist, must presumably depend on the accuracy of his recollection. For the present purpose it may suffice briefly to indicate the view taken by Merriman of the topics in which he was principally interested and the extent to which he was able to carry the Convention with him.

A large proportion of the work was done in Committees and on most of the more important Committees—such as those on the Constitution of Parliament and Provincial Constitutions, the Administration of Justice, Native Affairs and the Draft South Africa Act—Merriman took an active part. Speaking of the work as a whole, it may be observed that much of the preliminary " spade-work " had been done at Pretoria, where there were ample funds available for the collection of information and the employment of experts. Smuts came down to Durban with a draft Constitution in his pocket, which had been prepared after the exchange of views with Merriman already cited ; and this, no doubt, was largely used as a basis for discussion. The first substantive resolution was, however, proposed by Merriman—presumably after preliminary conference with other delegates—and was in the following terms :

(*a*) That it is desirable for the welfare and future progress of

South Africa that the several British Colonies be united under one Government in a legislative union under the British Crown.

(*b*) That provision shall be made for the constitution of Provinces, with powers of local legislation and administration, the present self-governing Colonies being taken as Provinces.

(*c*) That provision be made for the admission into the Union, as Provinces or Territories, of all such parts of South Africa as are not included from its establishment.

(*d*) That the Union shall be styled " South Africa."

It will be observed that the first resolution directly raised the vital question of the type of the proposed constitution. An amendment was proposed by one of the Natal delegates to omit the words " in a legislative Union " in sub-section (*a*) and to constitute the present self-governing Colonies as States of the new Union. The trend of opinion, however, was now distinctly in favour of unification, of which the principal opponents at the Cape were Schreiner and Hofmeyr. But Hofmeyr had declined to join the Cape delegation, while Schreiner, who had accepted, had felt obliged to withdraw as it had proved impossible to prevent the sittings from clashing with the date of the trial of Dinizulu, on a Natal prosecution for high treason, in which he had accepted a retainer for the defence. Schreiner had been appointed a delegate to represent the interests of the native community and his place had now been taken by Col. Stanford, who at this stage reserved his opinion. After considerable discussion the Natal amendment was lost on a division. Sub-section (*b*) was also adopted in an expanded form, after the President had intimated his opinion that, in the absence of any provision to the contrary, the Union Parliament would have the power to divide the Provinces as it thought fit. The question of the designation of the Union was reserved for future consideration. Subject to these qualifications, Merriman's proposals were adopted without any further division ; the Convention had accepted the principle of " unification."

A summary of Merriman's argument in support of these resolutions will be found in Walton's *Inner History* (pp. 54-7).

In the course of this debate, which lasted for two full sittings, out of thirty-four delegates twenty-three expressed their views ; Sir Edgar's *résumé* is confined to forty pages. Of Merriman's introductory speech he observes that " this is of course but a bare outline and it cannot convey to the public an idea of his eloquent periods. He spoke, however, with even unwonted earnestness and made an evident impression on his hearers." Similar observations would doubtless apply in other cases, and I do not propose, interesting though they often are, to cite such summaries at any length.

It must have been a satisfaction to the mover that a decision on the vital point of the character of the new Constitution had been so promptly arrived at. There had been a good deal of public discussion on the subject before the Convention met and the matter was one in which I may perhaps be forgiven for mentioning I had personally taken much interest. In the previous year I had, at long last, concluded the laborious business of reviewing and assessing the claims for compensation for war losses. As the result of a conversation with Jameson, then Prime Minister, I had arranged to obtain leave of absence and proceed to Canada to investigate on the spot the working of the Constitution, with special reference to the relations between the Dominion and the Provinces. After traversing the Dominion, from Quebec to Vancouver, enjoying the kindest hospitality and acquiring much valuable information, I had an opportunity of comparing impressions with Mr. Bryce, then our Ambassador at Washington. Mr. Bryce, as he then was, took me to see President Roosevelt, who was much interested in the relations of the British and Dutch in South Africa—his grandfather, he told me, was the first of his family to speak English—and the treatment of the coloured population at the Cape, which he thought compared favourably with the position in some of the southern States, which he had recently visited. On my return from this tour I had been invited by the Closer Union Society, which had been established during my absence, to deliver an " inaugural " address at Capetown under the Chairmanship of Schreiner.

Meanwhile the Chief Justice had made a flying visit to Quebec, where he represented the South African Colonies at the tercentenary celebration of the foundation of that City. On his return he had been good enough to refer in complimentary terms to my address, which was reproduced in the first number of *The State*, an organ of Closer Union issued at Johannesburg under the editorship of Kerr and Curtis. The same periodical also published a paper by the late Speaker, Sir William Berry, who advocated the adoption of the federal system.

In my address I pointed out that, while there was little in the way of precedent for unification, with powers for amendment vested in the Central Legislature, the establishment of a federal system had become inevitable not only in the United States but in both the Canadian Dominion and the Australian Commonwealth, for reasons to which there was nothing corresponding in the situation in South Africa ; on the other hand, the arguments from the point of view of both efficiency and economy, by which unification might have been supported in Canada, were still more potent in South Africa. Moreover, as Merriman observed, there was no need to make provision for external defence, for which we could rely on the Imperial Government. I feel that I should apologize for this digression, but it may to some extent illustrate Professor Walker's observation (*South Africa*, 437) that "in no other Dominion on the eve of its formation were the people so fully informed of the rival merits of federation and union as were the people of South Africa."

When the matter came before the Convention, Merriman was able to rely on the support of influential delegates from the new Colonies, such as Steyn and Smuts, while he also enjoyed the loyal co-operation of Jameson and the other Unionist delegates from the Cape. While speaking to these resolutions, Merriman had referred to the topic of local self-government. In each Province, there should be an Administrator appointed by the central government and he would like to see local self-government developed on lines

similar to those which had operated successfully at the Cape. The difficulty, however, of introducing elsewhere anything corresponding to the divisional councils at the Cape, empowered to levy rates for local purposes, has hitherto proved insuperable. In the Transvaal and Natal, the European communities, outside the urban centres, have been too small and scattered, while, in the compact Free State, all local needs can be dealt with by the Administrator, with his executive committee, and the provincial council.

Merriman also indicated that he would submit a scheme for the constitution of the Union Parliament as a bicameral body with a nominated Upper House. As to this, it appeared that Moor in Natal, as well as Smuts at Pretoria, had drafted a South Africa Act which he laid on the table for consideration. On the proposal of Smuts, it was agreed that the Executive Government of the Union should consist of the Governor-General in Council, with a Cabinet of ten Ministers, whose number Merriman would have liked to reduce to eight. A long discussion then ensued on the franchise. Stanford proposed that all British subjects resident in South Africa shall be entitled to franchise rights, irrespective of race or colour, upon such qualifications as might be determined by the Convention. After prolonged discussion it was agreed, on the motion of General Botha, that this resolution and various amendments thereto should be referred to a special Committee, consisting of two delegates from each Colony and one from Rhodesia.

This problem having thus been temporarily shelved, the Convention took up that of the constitution of the Senate. It was decided that the Senate should consist of forty members, eight to be elected by the members of each Legislature, sitting together and voting by proportional representation ; the remaining eight to be nominated by the Governor-General in Council, half of them to be selected mainly on the ground of their conversance with the wants and wishes of the coloured races. The powers of the Senate were limited as to money Bills and provision was made for a joint sitting in the

event of disagreement between the two Houses on any other measure. In view of the great disproportion in the number of members in the Upper and Lower Chamber there could seldom be much doubt as to the result of any such joint sitting. After the first election, it should be added, other measures were to be adopted for the choice of the elected Senators, but the total remained at forty, while in the Assembly the original total was 121 and might be increased, as the European population increased, to a total of 150. Neither in Canada, with its nominated Senate, which, when a Ministry enjoys a long tenure of power, gradually becomes very one-sided in its composition, nor in Australia, with a Senate popularly elected in equal numbers by each State, nor in South Africa, with the plan devised by the Convention, has the bicameral system proved very satisfactory in operation ; although, as Merriman recognized, the objections to a Single Chamber, with no fundamental law, are too weighty to be ignored. In the United States, the power and prestige of the Senate are largely attributable to its control of external relations, which the Dominions have till recently been content to leave to the Imperial Government.

Proceeding to the constitution of the Assembly, Smuts proposed that the number of members assigned to each Province should be based on the number of registered white voters. Merriman thereupon proposed an amendment, which was adopted, making the test the number of European male adults as registered at the last census—a test, however, which, for reasons which could scarcely have been foreseen, operated very unfavourably to the Cape Province in subsequent redistributions as compared with the Transvaal. In the Transvaal and the Free State there was European manhood suffrage, to which Merriman had a strong antipathy. In Natal the suffrage was practically confined to the white races ; there was a property qualification and in many cases a dual vote. At the Cape there was no distinction of colour, but applicants for registration had to pass an elementary educational test and to possess a qualification based

on salary or wages, or the occupation of premises. On the other hand about fifteen per cent. of the Cape electorate were persons of colour and the principal controversy was with regard to their future position, as to which much difficulty was experienced.

It was originally proposed by Merriman that the general legislative powers of the Union Parliament should not apply to laws relative to the franchise, or the qualification of electors, and that existing laws on this matter should not be amended save in the manner prescribed for altering the constitution itself. Colonel Stanford then proposed, in a powerful speech, that all British subjects " shall be entitled to franchise rights irrespective of race or colour upon such qualifications as may be determined by the Convention." His proposal was supported by Sauer, but the general trend of the debate was that, while the Cape would not concur in any interference with, or restriction of, the exercise of the native franchise, as then enjoyed in that Colony, in the elections for the Union Assembly, none of the other provinces would consent to its extension elsewhere, and any proposal to that effect in the draft Act would undoubtedly entail its rejection.

The subject was one on which the President had been in communication with the High Commissioner. It appeared that the Imperial Government was much exercised on the point, which was regarded as closely connected with the position of the natives in the Protectorates. The Colonial Office favoured Stanford's proposal ; but, if the Convention decided to confine the native franchise to the Cape, it was intimated that the Government would acquiesce in that course, and in the annexation by the Union of the Protectorates on special terms, provided that the native franchise should be safeguarded against any future derogation by requiring a three-fourths majority in favour of any such proposal in both Houses, sitting together, of the Union Legislature. After prolonged debate, the matter was referred to a Committee, on whose report it was ultimately decided on the

above basis, two-thirds being substituted for three-fourths. It was also stipulated that no coloured person should be eligible for a seat in Parliament ; at the Cape they had been eligible but there had never been a non-European candidate. On the other hand, such persons now became eligible for a seat in the Cape Provincial Council, and among the members of its first Council was a native doctor from Tembuland. The natives in the other provinces were also enabled for the first time to feel that their interests and wishes were to some extent represented in Parliament by the votes of those members from the Cape who owed their return to the support of the coloured element.

Before leaving this subject it may suffice briefly to observe that a somewhat similar question subsequently arose, in which Lord Selborne took a still more active part, as to the conditions under which the Government of the Union should be entitled to take over the administration of the Native Protectorates, conditions which will be found set forth in section 151 of the Act and the accompanying Schedule. It may well be doubted whether, during the twenty years which have elapsed since this enactment, a generation has arisen competent to grapple with the sphinx-like riddle of the solution of which Smuts felt inclined to despair. The difficulty with the native problem is that the white farmer wants to enjoy the fat of the land, while white "labour" seeks to monopolize the cream of industrial employment. With a Government dependent on the combination of such forces, it becomes very difficult to secure for the coloured person a fair share of cultivable land and of such remuneration for industrial pursuits as he may be qualified to earn. It is on an equitable solution of this problem that the future of the community largely depends, and that this was fully realized by Merriman is amply indicated by his correspondence.

Other questions as to the franchise and the electorate were discussed at length on the report of a Committee appointed for their consideration. It was agreed that the delimitation

of the electoral divisions should be effected by a Commission of four Judges, one to be nominated by the Government of each Colony ; after each future census there was to be a new delimitation by a Commission of three Judges, to be appointed by the Government of the Union. I had already had some experience of such work, having accepted from Lord Selborne an appointment as a member of a similar Commission for the Transvaal. On the present occasion I was nominated by the Cape and was elected Chairman of the Commission. I was invited by the Union Government to be Chairman of the second Commission, and thus had rather special opportunities of observing the effect of the provisions finally made by the Convention in this important branch of their work. At the Durban sitting it was decided that " the members of the House of Assembly shall be elected according to the principles of proportional representation, with the single transferable vote." The number of members for each division was to be " three or more, unless the Commissioners decide in favour of a smaller number in special cases of sparsely populated areas."

At this stage of its deliberations the Convention began to consider the administration of justice, on which a report was submitted by a Committee, of which the President was Chairman and which included Merriman amongst its members. The scheme adopted need not detain us here, but it may be worth while to recall Merriman's description of the appeal to the Judicial Committee as a " rich man's luxury." The history of this matter, so far as concerns the Dominions, is rather interesting. Under the Canadian Act such appeals were allowed with some freedom and in certain cases could be taken direct from the provincial courts without resort to the Court of Appeal at Ottawa. Here also we may trace the influence of Quebec. When a judgment had been pronounced at Montreal, on a case argued in French before a Court applying the French law in the shape it took before the establishment of the Code Civil, litigants often preferred to go direct to Whitehall rather than taking the case to a colonial

tribunal, only two of the members of which were required to possess any knowledge of French. Professional opinion in Canada since then has been much divided on the question of whether such right of appeal should be abolished, preserved or curtailed. If we turn to Australia, in the discussion of the Commonwealth Act the matter was much debated with the Colonial Office and the right of appeal to the Judicial Committee was greatly restricted.

Under the South Africa Act it was taken away, without abrogating the right of the Sovereign, with the advice of his Council, to give special leave if in any case thought advisable. The Judicial Committee has been very chary in granting such leave. I understand it has been refused in several cases in which, owing not only to the large amounts at stake but to the important principles involved, the South African Court would have gladly given leave to appeal had the Act allowed it to do so. I know not whether Merriman fully realized that, by abolishing this "rich man's luxury," he was removing almost the last link between the Dominions and the Crown. The provisions under the Merchant Shipping Acts and the exception to the validity of Colonial statutes are now of little substantive importance. Under the South Africa Act, however, any proposal for the annexation of adjacent territories has to take the form of an address from Parliament to the Crown on which His Majesty will take the advice not of the Judicial Committee but of the Privy Council.

CHAPTER XVIII

DISCUSSION OF DRAFT ACT

The Convention resumes at Capetown—Powers of provincial authorities—Site of the Capital—Problems of railway administration—Provincial revenue and expenditure—Commission on financial relations—Public Lands—Position in the United States—A letter from Merriman—Decision as to the Capital—Publication of draft Act—Criticisms by Bond—Objections to proportional representation—Merriman's correspondence with Botha—Meeting of Prime Ministers at Bloemfontein—Discussion of Draft Act by Legislatures.

By this time the work of the Convention was so well advanced that, after a few more sittings, it might have been possible to begin the preparation of a draft Act. But unfortunately the President was far from well. His work had been very onerous. He sadly missed the comforts of his Wynberg home and was ill at ease in his hotel, with little privacy or repose, in the humid heat of a Durban spring. Mr Steyn also was indisposed. It therefore seemed expedient to adjourn for a few days and resume the sittings at the Cape, where Lord Selborne came down to be in touch with the Commission.

Before this adjournment a good deal of time had been taken up with the discussion of the qualification for, and remuneration of, members of the Legislature, after which there was some preliminary debate as to the functions of the provincial councils and the provision of revenue for their discharge, together with the question of the appointment of Administrators, the conditions of their tenure of office and the work and method of election of the Executive Committees. On these points the Natal delegates submitted very comprehensive proposals, investing these provincial authorities with such wide powers as practically to reintroduce the principle of a federated constitution. The Provincial Councils were to become " Legislatures," with power to amend the Constitu-

tion of the Province. Their powers were to include the control of public lands, that of all licences, of the administration of justice and the police within the province, together with the departments of mining, forestry and native affairs. These sweeping proposals found little favour outside Natal. Merriman, who had given much consideration to the subject, was requested to go into it during the recess and to bring up resolutions after the adjournment.

After these and other matters had been disposed of, it was agreed, on the motion of Botha, " that it is desirable for the Convention to settle the Capital of the Union "—a problem on which feeling ran so high that at one time there seemed to be a risk of the good ship " Union " foundering on the rock of " Capital " when almost within sight of port. It was arranged to appoint a Committee of procedure on the subject, consisting of the President and one representative of each Colony, nominated by the Prime Minister. On this Committee the Cape was represented by Sauer. They brought up an interim Report that they should be authorized to continue their work and report on the resumption of sittings after the Christmas recess.

There was no lack of ingenious suggestions. At one time the President proposed that the matter be left to the decision of three persons, not being residents in South Africa, to be appointed by the Crown ; another suggestion was that it should be decided by the electorate of the Union ; another was to leave the matter to be determined by the first Union Parliament. None of these tentative proposals found favour, and a motion in favour of the selection of Maritzburg received no support outside Natal. Hull proposed that the Capital should be established on the Vaal River and sites were offered at Kroonstad and Parys, a small township in the Free State, possessing an attractive name, which perhaps might have entailed some confusion in the post. A public-spirited landowner at De Aar offered the site for a capital at that dusty junction in the Karoo ; while the good people at Mafeking, having added a word to the dictionary, conceived

that they might now add a new capital to the Empire. There were other such suggestions, which need not detain us ; the Convention showed no inclination to found a new Canberra at the Cape. At long last Botha and Merriman arrived at a compromise. Pretoria, where commodious public buildings on an admirable site were in course of construction on plans prepared by Baker, was to be the seat of Government, but Capetown, where the parliamentary buildings could easily be extended and adapted for the purpose, was to be the seat of the Legislature.

Meanwhile, substantial progress was being made in other directions, including the reports brought up from time to time by the Finance Committee. Merriman had been the first Chairman of this Committee but in that capacity had been replaced by Sauer, and this branch of the work of the Convention, important as it was, need not detain us. They had many difficult and intricate problems to consider, not the least being that of the future administration of the railways of the Union. These, it was arranged, were to be under a separate Minister and their revenue and expenditure were to be kept separate from other branches. Careful provision was made for independent administration, so that questions of rates and management, and proposals for new construction, should, as far as possible, be divorced from those political considerations which had hitherto exercised an uneconomic influence. A further complication arose from the circumstance that the Transvaal Government, in order to secure a supply of native labour for the mines, had been obliged to make an agreement with Mozambique under which 50 per cent. of the Transvaal traffic was allotted to the line from Delagoa Bay.

The Committee was much occupied *inter alia* with the relations of the central and local governments. Provincial Councils were entitled under the Act to make ordinances on certain subjects, including primary education " until Parliament otherwise provides," and to impose direct taxation for such purposes ; a provincial revenue fund was to be formed

and estimates of revenue and expenditure submitted to the central Government, which was to supply the balance of revenue requisite to meet the estimates of expenditure as authorized. It was further provided that, as soon as possible after the establishment of Union, there should be appointed " a Commission, consisting of one representative from each Province, and presided over by an officer from the Imperial Service, to institute an inquiry into the financial relations which should exist between the Union and the Provinces." The imperial officer selected was Sir George Murray, the permanent head of the Treasury and as such the head of the civil service. I was asked to sit as the representative of the Cape Province and, as Sir George would be detained at home till after the Coronation by various duties, and it was important that the work of the Commission should not be delayed, it was further provided that I should act as Chairman till his arrival. I found this work extremely interesting, involving as it did a survey of the whole range of public finance, an examination of the works of experts and a study of the methods adopted in other federated or unified communities. We had a good many sittings before the Chairman's arrival, and I was able to send him, and circulate among my colleagues, a comprehensive minute on the whole field of inquiry. The conclusion at which I arrived was that probably the least unsatisfactory course would be to adopt the " pound for pound " principle, under which the Union would defray half the approved expenditure of each Province. The Chairman and Mr. Duncan, the representative of the Transvaal, inclined to the same view, while the representatives of the other provinces submitted a different scheme, which I scarcely thought would prove workable. There were thus two Reports.

On the whole, I decided to sign that drafted by the Chairman ; but it was too concise to admit of the incorporation of the substance of my minute, which I thought contained many data which might prove serviceable and therefore appended as an annexure to the main Report. The majority Report

was adopted in substance by the Government of the Union, but, as might have been anticipated, many difficulties arose in its practical application. Other inquiries have been held and certain changes effected. So far as I can gather, it has hitherto been found impossible to prevent a certain amount of extravagance in provincial expenditure or to substitute any more satisfactory system of local administration.

Another personal incident in the course of this Inquiry may perhaps deserve a word of reference. Among the subjects for consideration was that of " eminent domain," or the right to reserved public lands situated in provinces combined under a unitary constitution—a matter as to which provision is made by sect. 122 of the Act. On this point there seems to have been some divergence of opinion between Merriman and myself. I forget the precise circumstances, but rather think it must have been after a private conversation that I received a long letter from him which seems worth transcribing, not only on account of the intrinsic importance of the question, but also as indicating the width of his reading and the careful research he had made into such matters. The letter was written in May 1911, and ran as follows :

Since you fell upon me yesterday with your swashing blow I have been looking up references to the Public Domain of the United States. You will find in the Constitution, Art. IV. Sect. 3, a mention of " Territory of U.S." and in No. VII. of the *Federalist* there is an argument against the danger that most probably would arise from the retention by the States of shadowy claims to territory west of boundaries. Goldwin Smith, in his lucid monograph *United States*, p. 129, says : " Virginia and other States had conceded to the Confederacy vast territory to which they held claims between Alleghanies and Mississippi for settlement and political organization. The Ordinance made in 1787 to regulate this grant is almost of as great importance as the Constitution itself." He again alludes (p. 190) to the conflict as to the disposal of land to which I will presently refer.

Dewey—*Financial History of United States*—gives some interesting particulars as to the use made of this inheritance. In 1790 they were pledged as security for the Debt. Large sums were obtained by sale (in 1836 five millions sterling). It was estimated in 1860

that there were 1,000 million acres still ungranted. Subsequently the Homestead law was passed entitling any citizen to a free grant of 160 acres. There has been at various periods a struggle between those who wish land sold and revenue applied to relief of public burdens and the high tariff party who wish land given out in order to necessitate raising revenue by protective duties. I think you will do well to examine the United States statutes. It is not quite clear whether, on the establishment of a new State, the new political entity becomes endowed with the national estate within its borders and if so, on what terms.

The only book of reference I have (Stensen) is a States-rights man and very vague. I have been unable to verify anything in Bryce, who does not even notice the matter except in a perfunctory way (p. 354, vol. i), in which, however, in a note, which had escaped my memory, he does clear up the doubt I have expressed above as to the relative share of U.S. and State. It is curious that Bryce should not attach more importance to this matter, for undoubtedly the possession and the disposal of this vast estate has affected finance and settlement very largely, and on the whole very beneficially, *e.g.* in the extinction of the revolutionary debt and the endowment of schools. *We* had a struggle last session to preserve the provision that devotes the proceeds of our national estate to the sinking fund, which was on the point of being abrogated. I hope these rough notes may be of some use.

To this letter I find that, quite exceptionally, I had annexed the draft of my reply, which perhaps it may be convenient to append :

I am much obliged for your letter and the information it supplies. My " swashing blow " was rather in the nature of an interrogation as to the authority for your statement—as I understood it—about the U.S. constitution giving Congress rights over State lands. This appears to be quite inconsistent with Art. I. Sect. 8 (17). I was aware of Art IV. Sect. 3. But this, I take it, like the other matters you mention, refers to *Hinterland*, and there is a saving clause as to the claims of particular States. What had struck me was a note in Bastable, who speaks of " the surrender of public lands by American States to the Federal Government " (3rd ed. p. 251, *note*). On this point I was anxious for further information, to which your letter to a great extent gives the clue. The substantial point lies of course in the difference in this respect between the effect of a federal constitution, like that

of the United States, Canada and Australia, and a unitary constitution like our own, by which I apprehend that such lands become *ipso facto* vested in the Union.

Merriman, I see, begins by a reference to my " swashing blow "—a phrase of which he was rather fond, and which often occurs in his correspondence with Dormer, in speaking of the work of the latter as a journalist. As far as I recollect, I had merely pointed out that in a Federation, in the absence of any provision to the contrary in the governing instrument, each State would retain its rights over unappropriated lands actually within its borders at the date of Federation.

While the Convention was occupied with the consideration of the report of the Finance Committee and that of the Committee on Native Affairs, considerable progress had been made by the Committee, on which Merriman represented the Cape, which had been appointed to prepare a draft Act of Union. The draft came before the Commission on 13th January and at subsequent sittings. A vast amount of discussion ensued on various suggestions as to the site of the future capital, to some of which I have already referred. An amount of time wholly disproportionate to its importance was occupied by discussion of the exact wording of the clause as to compensation for the municipalities of the decapitalized provincial cities ; Smuts proposed that, while Bloemfontein and Maritzburg should for a limited period receive two per cent. of their recognized debt, Capetown should receive one per cent. In the end, the matter, so far as Capetown and Pretoria were concerned, having been referred to the Financial Relations Commission, Pretoria made no claim and the Cape, by a majority decision of the Commission, obtained no award. The draft Act was passed, with amendments, on 2nd February. Arrangements were made for its prompt publication with a view to discussion by the several legislatures at the end of March.

The publication of the draft naturally opened the floodgates of criticism in the public press. Such discursive criticism was more varied and copious at the Cape than

elsewhere. In the Transvaal responsible government was a novelty and public opinion had scarcely had time to shape itself on definite lines. In the Free State there was little inclination to attack a document which had the *imprimatur* of Steyn, Fischer and Hertzog. In Natal a unified constitution was far from popular ; but it was realized that the fiscal future of the Colony depended on an understanding as to traffic percentages and similar matters with the inland provinces. At the Cape, Hofmeyr and Schreiner, who had missed the opportunity afforded by the Convention to urge their objections to unification, now took exception on various grounds to the provisions of the draft Act. A series of resolutions was passed by the Capetown branch of the Bond, protesting against the insufficient representation of the Province in Parliament, the principle of proportional representation, the subordinate position of the provincial councils and other provisions which need not now be specified. The first signature attached to this document was that of Hofmeyr.

Merriman, in a public speech at Capetown, recalling a similar pronouncement of Alexander Hamilton in the *Federalist*, declared that " our draft constitution contains evidences of errors and prejudice which are regrettable, but on the whole it also contains evidences of the wisdom of collective South Africa which is greater than the wisdom of any particular community." He implored his hearers to look at the draft, not as a community but as South Africans ; " let us look at it," he said, " in a broad spirit and not sit down to try to find out what each person is going to get." Each state was making sacrifices and each bringing something to the common lot. Delay in deciding for or against union was dangerous. Numerous problems awaiting decision could only be dealt with by a strong central government and the state of uncertainty was paralysing trade. Already a " party of isolation " was rearing its head in the Transvaal. He put plainly before the people of Capetown the consequences of a failure to achieve union. He did not doubt that the Cape

could win through, even if isolated, but he warned his hearers that " we shall have to undergo sacrifices to which those we have made have been but dust in the balance." To those who would refuse union unless the right to sit in the central parliament was conceded to the native and the Cape franchise extended to the whole country, he said that if union was wrecked on this score the native vote would be swept away in the Cape.

President Steyn was greatly pleased with this speech, and he told Merriman that he thought it was " worthy of the great object we have in view." He gave an encouraging report of the reception of the draft in the Orange River Colony, and he did not take so serious a view of the Bond resolutions and Hofmeyr's attitude as his correspondent. Moreover, General Botha was able to report that the Bond resolutions had had no effect in the Transvaal. There the strongest opposition was to the native franchise for the Cape ; a " Constitution Amendment Association," whose chief supporters were to be found amongst the English population on the Rand, was formed to press this amendment in particular, while the Labour Party, not unsupported in the strongholds of the National Party, was calling for a referendum.

Botha was for the Draft and nothing but the Draft, thinking like Merriman that if amendments were introduced at the second sitting of the Convention there was grave risk of collapse. But though of this opinion, the Transvaal leader had received information " which startled me and left me feeling very uncomfortable indeed." The Bond leaders at the Cape had been examining the probable effects of proportional voting on party prospects. Graaff, one of Merriman's colleagues, was in Pretoria and laid their conclusions before Botha, who now learned to his dismay that the probabilities were that Jameson's party would gain a small majority of the 51 seats allotted to the Cape Colony. He had told his followers that their majority in united South Africa was secure and he and Smuts now sat down to calculate the figures for themselves. To Graaff Merriman telegraphed :

Botha knows that I was strongly opposed to proportional voting and that it was forced down my throat. I remain so still but I am convinced that any attempt to upset that provision in the Constitution would lead to serious disruption and undo much of the good which I sincerely believe has been effected. After all it is open to amendment after trial and I consider the effect quite problematical. To rip the whole framework up now would be very risky. The worst is the horrid thing is logically fair. As if you could run this wicked world on logic !—but they would not listen.

To Botha Merriman declared that he had never taken much count of the party aspect, feeling confident that the most united and competent party was sure to dominate Parliament, and he did not anticipate that parties would be formed either on racial or territorial lines. While Botha was still concerned over the probable political situation, Merriman was alarmed at the prospect of delay in bringing Union into effect. On 13th March, Lord Selborne had suggested that the approach to the Imperial Parliament might be postponed until February, 1910. In the meantime H.M. Government might be asked to pass a short enabling Act to set up the Commission of Judges, provided for in the Draft, for the delimitation of constituencies.

Merriman asked Botha whether he had fully considered the effect of delay in strengthening the hands of all malcontents and particularly the injudicious friends of the natives. He was entirely opposed to Selborne's suggestion of an interim Act. In order to prevent what he considered a serious danger he proposed a meeting of the Prime Ministers at Bloemfontein. The proposals of the Natal Government, too, portended delay. To Botha Merriman wrote :

You will no doubt have seen the Natal proposals for dealing with the Draft Act. They are the smallest but certainly the most troublesome and obstructive of our partners. These proposals amount to (*a*) a prolonged wrangle in a second Convention in which, if they bring forward amendments, all the other Colonies will feel compelled to do so also. Many of these amendments are vital and the result will be doubtful ; (*b*) a long debate in the parliamentary session that must ensue ; (*c*) on the termination of

this discussion a further delay of at least twenty days which will bring us to the end of June and practically render it impossible for our Draft Act to be made law in England until next year. This will involve us in a regrettable delay that may be fatal to the measure.

Now with regard to (*a*) my own opinion from looking at the course of events is that in our three Colonies the Act will be accepted as it stands without amendment, though many may and will think that it might be altered with advantage. They put, however, Union before all. They will pass the necessary addresses to the King so that as far as we are concerned the Act might go to England at the end of April in plenty of time to be passed into law during the present session. Can we not induce Natal to fall into line by dropping amendments and then having their referendum at the end of April ?

From what I hear from Natal sources the people there, though they like to swagger a bit and their press is stirring them up, are prepared to ratify the Act as it stands. Though there, as here and with you, there are some clever fellows who would like to redraft the whole Act if they had the chance.

I am sure that you will agree with me that this is a very important matter in view of the unavoidable delay necessitated by English legislation. If the whole business hangs over until next year no one can tell what may happen in South Africa, where in such matters as German negotiations and native affairs one is brought face to face every day with the need for united action. Apart from this, the suspense is disorganizing every branch of enterprise, government and private.

If you share my views I feel that a joint representation from you and Fischer, to whom I have written in similar terms, would have great effect. . . . Do not, I beg, think that I am, what Randolph Churchill once dubbed Gladstone, " An old man in a hurry," but every day brings home to me the sense of being paralysed in administration and legislation until the matter is settled one way or the other—the right way I hope.[1]

The Prime Ministers met at Bloemfontein on 24th March and the only records kept of the meeting relate to future procedure, for which a careful time-table was constructed. Six days later they met their several Parliaments to discuss the Draft Act.

[1] Merriman to Botha, 18th March, 1909.

There had been portents favourable and unfavourable. The congress of Closer Union Societies, held at Johannesburg, had passed an unanimous resolution accepting the Constitution without amendment, though a strong minority of representatives had desired to see changes. The Bond Congress, assembled at Dordrecht, had adopted most of the resolutions passed by the Capetown branch at the behest of Hofmeyr, but left members of parliament free to vote as they thought fit at the forthcoming session—a compromise typical of Boer political practice when opinion is divided. Hely-Hutchinson, who had previously been Governor of Natal, was able from his correspondence with old friends to keep Merriman advised of the trend of feeling there, and his reports held brighter promise than a perusal of the multitude of speeches could give.

In the Transvaal, where political education was not so advanced as at the Cape, and in which no leader of any considerable body of opinion had remained outside the Convention, Parliament recommended the acceptance of the Constitution without amendment. In the Orange River Colony also the Act was accepted as it stood, but the delegation was instructed to make recommendations regarding sections 39 and 40, in which the principles of " one vote, one value " and " proportional representation " were embodied, similar to those amendments definitely demanded at the Cape. In Natal the publication at Pretoria of the Transvaal-Mozambique treaty, which was to have a currency of ten years, without any explanation of the impossibility of postponement of the negotiations until United South Africa could conduct them, had had an unfortunate effect on the growing feeling for union. But since the issue in Natal lay between union and isolation,which was to be decided by a referendum, there was no strong desire to amend the Draft Act and no vital changes were suggested by the Natal Parliament. The amendments proposed were designed to safeguard the provincial council system and to protect Natal trading interests.

The situation brought about by the debates in the Cape Parliament was far more serious. Hostility to equal voting rights as between town and country was evident. The opposition also demanded that the election of provincial councillors should be by single-member constituencies and that the section of the Act relating to equality of language rights should be so elaborated as to make it clear that the application of the principle of equality extended to the Provincial Councils, the Courts of Justice and the public service generally. However much Merriman may have been in personal sympathy with the demand for preferential treatment for the rural voter, coinciding as it did with opinions he had always held, nevertheless he realized the danger of upsetting a compromise which was deemed fundamental in the Transvaal. Botha wrote[1] to warn Merriman that the amendment on the one vote, one value question would never be accepted by the Transvaal Progressives and would cause serious difficulty at the next meeting of the Convention. Steyn was more sympathetic :[2]

I was sorry to see what stormy weather you are having with the Constitution but I am quite at ease about it for I have full confidence in the old pilot at the helm. Allow them to blow off their steam. In a great change like that which we propose one must expect opposition, especially when the private interests of so many are affected as in the case of Capetown. I do not think they will be mad enough to wreck the Constitution, for the so-called friends of the natives must remember that in that case South Africa will be divided in two distinct Colonies, one with the native vote and the other violently opposed to it, with the result that can easily be imagined. It will be a case of the North *versus* the South over again. May the experience of America deter the Constitution wreckers. You have this consolation, however, that you fought as hard as any man against the plans in the Constitution of which your own party take advantage to cause you so much difficulty. I think it is best to let them propose amendments provided they do not bind your hands. If possible the Convention ought to meet the Cape's wishes.

[1] Botha to Merriman, 6th April, 1909.

[2] Steyn to Merriman, 6th April, 1909.

You will understand, I know, that the further extension of the native franchise for the present is out of the question. This is a question that must be left for the future and we must trust to education ; forcing will not help. . . . I fully sympathize with you and understand your difficult position, but don't be in a hurry and don't make it a matter of confidence. I am sure they will accept the Constitution. " Het is maar een beetje politiek." If the Cape Colony stands out the Free State will have to join the Transvaal and Natal. For good or for evil the Free State and Transvaal are Siamese twins.

But it was not the native franchise which proved the chief danger, though Schreiner fought the case of the native with all the force at his command. Merriman's followers accepted his assurance that any attempt to extend the native vote would wreck union, but on the question of preference for the landed interest they would not give way and he was obliged to accept amendments to save the Constitution from rejection.

CHAPTER XIX

THE LONDON DELEGATION AND THE SOUTH AFRICA ACT

The Convention at Bloemfontein—Single-member constituencies substituted for proportional representation—Reports of Delimitation Commissions—Draft Act as amended adopted by Legislatures and by referendum in Natal—The London Delegation—Schreiner goes home to represent claims of natives and coloured population—Merriman's letter to the Governor—His views on the Indian problem—Sworn of the Privy Council—South Africa Act passed without amendment—Political situation at the Cape.

On 3rd May the Convention reassembled at Bloemfontein and there were certain symptoms of a weakening in what has been called " the convention spirit." On the second day a Natal amendment, permanently safeguarding the smaller provinces against any diminution in the number of their representatives in the Assembly, was carried by a majority of two against the opposition of the Transvaal, and Botha and his friends left the meeting in a huff.[1] But the most serious question was that of proportional representation. Section 40 had provided that " The Commission shall divide each Province into electoral divisions, each returning three or more members, provided that in special cases of sparsely populated areas the Commission may delimit divisions in which less than three members shall be returned." In order to meet the strong objection taken by the Bond, and supported by Botha and his colleagues, the President, *vir pietate gravis*, now intervened in a conciliatory speech, and moved " to omit all the words after ' returning ' and insert ' one member.' " His amendment was adopted without a division and proportional representation in the elections for the Assembly disappeared from the Constitution.

[1] The original wording of the section in question (32) was subsequently restored.

Merriman, writing on 5th May, describes the scene :

We had a great wrangle yesterday over Fischer's amendment—practically the Cape amendments. It was evident that no conclusion could be arrived at, so this morning the Chief, looking as if butter could not melt in his mouth, got up and put forward an amendment which we had hatched on the way up which practically disposes of my two favourite jim-jams of proportional voting and minority representation, dividing South Africa into single-member constituencies. This will practically be accepted by the whole Convention except Fitzpatrick and Farrer and they will most likely come round. Then we adjourned to do the usual caucus work. If this goes through we shall in my opinion have done *splendidly*, far better than we could have dared hope for. All our men are solid. Jameson has behaved very well. We are quite the same nest of sucking doves.

Merriman had never personally been in favour of proportional representation any more than, with his conservative proclivities, he approved of manhood suffrage or, still less, of female suffrage, which made no headway with the Convention ; he decried all such proposals as " jim-jams," his favourite expression for anything in the nature of a crotchet or fad, for which sense of the word some slight authority, in a sixteenth century writer, is cited in the Oxford Dictionary. Modern usage seems to regard the word as a sort of slang expression for the effects of alcoholic indulgence. The creation of single-member divisions probably on the whole facilitated the work of the successive delimitation commissions, but it can scarcely be denied that the original scheme would have led to a more equitable distribution of seats. In the Free State, for instance, where the Commission was pressed to aggregate certain urban areas, situated far apart, into a single parliamentary division, the opposition were practically disfranchised and out of 17 seats could expect to return only one member—for one of the divisions of the City of Bloemfontein. At the Cape, with three-member constituencies and a single transferable vote, the Unionists would probably have gained more seats in rural than they would have lost in urban areas ; and in the Transvaal the

mining and commercial interests in the districts of Lydenburg and Barberton would probably have secured a seat. As the Commissions explained, in both the first and second Report, the Commission, in the absence of any form of proportional representation, could suggest no remedy.

Other topics were discussed at some length and certain amendments adopted on matters of minor importance.[1] After a short sitting at Bloemfontein the amended draft was submitted to the Colonial Legislatures in the following month. In the Transvaal and the Free State this was accepted without dissent ; in Natal, under a statutory referendum, the majority in favour of Union was larger than had been anticipated. At the Cape, Schreiner moved " that this House accepts the draft Act of Union subject to the modifications necessary to safeguard the native and coloured inhabitants of this colony against discrimination on the ground of race or colour in respect of political rights." As has been seen, their franchise rights had been secured ; the only discrimination was as to eligibility to the Union Assembly, as to which it may be observed that no coloured person had ever sought election to the Cape Assembly, and such persons were now specially declared eligible for the provincial council. The House evidently thought that the natives had been fairly treated and Schreiner's amendment found only one supporter in Sir Gordon Sprigg.

The next step was to nominate the delegates from each Colony to proceed to London to confer with the Secretary of State in reference to the passage of the Act through the British Parliament, such delegates being authorized " to agree to any necessary amendments in the Act which do not involve alterations of any of its principles." The delegates nominated by the Cape Government were the Chief Justice, Merriman, Sauer, Jameson and Hofmeyr. Botha and those who acted with him in the Transvaal rather demurred to the inclusion of Hofmeyr and considered that if another representative of

[1] The amendments made at Bloemfontein and in England will be found set forth in Appendices H and K to the Minutes of the Convention.

the Bond were required he should be a member of the Convention. There was also some dissatisfaction at the Cape that Jameson alone among the Unionist nominees to the Convention had been selected as a delegate; but Jameson had agreed with Merriman in the appointment of Hofmeyr and the cheers with which his name was greeted by Bondsmen confirmed the wisdom of the choice. Hofmeyr had intimated to Merriman that he would accept the Bill and support it on the clear understanding that there would be no vital amendments in the House of Commons.

Merriman considered the Transvaal unwise in giving a free hand to its delegates, remembering that Australia had refused any latitude to its delegation a few years before. To Botha he telegraphed, " I think you will regret free hand. Of course restriction may cause inconvenience, on the other hand you may give an opening to faddists, particularly on the native question, which Michell tells me by letter last mail is exercising the minds of city philanthropists." The Cape Parliament empowered its delegates " to agree to such amendments to the Act which do not involve alterations in any of the principles of the Act as may be agreed in by all the delegates." This made of the Delegation, in Schreiner's contemptuous phrase, a rubber stamp. But there were likely to be advantages attaching to the restriction when the united delegations came to meet the English Government in discussion.

Cause for alarm had already arisen. An inaccurate Reuter report of a speech made in the House of Commons by Colonel Seely, Under-Secretary for the Colonies, regarding the procedure to be observed in connection with the passage of the Bill evoked from Merriman a speech which, when cabled to London, gave much offence. After consultation with Botha and Fischer a minute was sent to the Cape Governor asking for an explanation of the Under-Secretary's speech, which seemed to be at variance with all previous understandings with the Colonial Office. It had in fact been arranged that only verbal alterations, to bring the Act into

consonance with English practice, would be admitted. The minute affirmed that the utterance was calculated to embarrass seriously the cause of Union and to arouse grave suspicions. This evoked a cabled reply from Lord Crewe to the effect that H.M. Government had no intention of suggesting departures from the general principles contained in the Bill, but that it might be necessary to discuss modifications in some matters of detail. These modifications were not likely to be of such a nature that the Government anticipated any difficulty in obtaining the full concurrence of the delegates in any alterations proposed.

Reassured on this point, Merriman was now faced with anxiety arising from Schreiner's determination to ignore the almost unanimous opinion of the Cape Parliament expressed in the acceptance of the draft Act and in the instructions given to the delegates. On 16th June Schreiner left for London to lead a deputation from the African Political Organization with the object of inciting English opinion against the franchise clauses. Before sailing he offered to place his resignation of the Queenstown seat in the hands of the Speaker, knowing that his views had not the support of the European voters in his constituency. His mission drew from Merriman a confession of faith in regard to policy in native matters which he embodied in a letter to Hely-Hutchinson :

> The importance of the subject warrants me in placing before you my views . . . on the situation which has arisen in regard to the draft Act of Union as it affects the native and coloured population.
>
> As your Excellency is aware, in the Act, as it emerged from the first Convention, the franchise was secured to the natives of the Cape Colony on the present basis as it exists in the Colony. This was not conceded without a severe struggle on the part of the other Colonies, two of which, the Transvaal and the Orange River Colony, actually exclude coloured people from any political rights, while in Natal their admission is so hedged round as to be practically ineffectual. In order to obtain this concession of the existing franchise to the coloured and native people of the Cape

Colony it was necessary to lay down the provision that colour should be a disqualification for election to the Union Parliament.

However much this provision may be in conflict with Liberal ideas, it is impossible to deny that it is the logical corollary of the exclusion of coloured people from the franchise in the three Colonies above-named, and there is no doubt that without it Union would not have been agreed to.

The Draft Act contained, however, some other provisions which mark an advance in native policy and contain the germs of a possible solution of a problem which weighs heavily on the minds of all who consider the future of South Africa. These provisions are the nomination by the Governor-General of four members to the Senate specially selected for their acquaintance with native affairs, and the establishment of a native council, on the lines of the India Council, to deal with the government of the protectorates—both of them steps which mark an advance in the direction of removing questions affecting native policy from the political arena.

In the final Convention which sat at Bloemfontein the right was secured to natives and coloured people to be elected to, and to sit in, the Cape Provincial Council. Thus the only remaining disability imposed on the coloured people of the Cape by the Act of Union is the disqualification for election to the Union Parliament. With this situation the great bulk of the natives were satisfied, as were most of those who have for many years past been the most strenuous advocates for native rights and interests. These people realized that more had been secured under the Act of Union than they had dared to hope before the sittings of the Convention, and they were content to trust to the South African Parliament to continue and develope, as occasion offered, the liberal policy of the Cape Parliament. It was at all times perfectly clear that any insistence upon the omission of the sole remaining disqualification would have put an end to any chance of Union.

Unfortunately some of the more educated natives, who are by no means the most substantial and well-to-do of their race, have taken up the cry which was raised for political purposes that their interests were being sacrificed and that they had been betrayed by the Cape Representatives on the Convention. These persons found a powerful advocate in Mr. Schreiner, whose ability and eloquence were displayed in voicing their wrongs with the same vehemence with which, not many years ago, he had denounced and scouted the notion that a coloured person should be admitted to Parliament. His eloquence met with a scanty response in

Parliament, where the draft Act was adopted by a majority of 96 to 2 on a final division, showing conclusively the feeling of the Legislature on this question. Unfortunately the matter was not allowed to rest there, but, as your Excellency is aware, a deputation has been arranged to proceed to England accompanied by Mr. Schreiner with the avowed object of inducing the British Parliament to alter the Draft Constitution in the essential point to which I have called your attention. Should such a contingency unhappily take place it would amount to a complete reversal of the union policy to which so much time and labour have been devoted, and a bitter feeling would be aroused in South Africa the end of which it is difficult to foresee.

I wish to bring to your Excellency's notice the effect of this misguided movement on the natives themselves and on those very interests which the promoters have at heart. Either the deputation will succeed in its object or it will fail. If it succeeds it will lead to the abandonment of the union policy, with all the bitter resentment towards the Imperial Government that will necessarily follow. In addition it will most undoubtedly set on foot a campaign in this country for a consideration of our native policy and for the abolition of those rights, the logical enforcement of which will have led to the failure of an object upon which the whole European race have set their hearts. As your Excellency is aware, these political rights are strongly supported by a minority only and are rather acquiesced in than warmly approved of by the majority, who hitherto have allowed themselves to be convinced by leaders that on the whole the grant of political privileges to natives and coloured is a safety valve. Habit has even made those who are not enthusiastic advocates of the policy take a pride in the superior liberality of the Cape Colony in these respects, and Mr. Schreiner's own conversion is the best testimony to its educative force. I have no hesitation in saying that the success of the deputation would change this feeling, which is I hope a growing one, at a stroke, and would put the vast bulk of the European population of this Colony on the same plane of intolerance that obtains in the relations of white and coloured in the greater part of His Majesty's dominions.

I take the other, and I hope the more probable alternative, that the deputation fails in its object. In that case, the agitation, and the unwise speaking and writing which is sure to accompany it, is bound to have an evil effect on the mind of the natives, who will be taught to read into the Act of Union an attack on their rights, wholly contrary to the spirit in which the Act is conceived. That

will be bad in itself, but far worse will be the unfriendly feeling towards the natives which this unwise attempt is sure to engender in the mind of the majority of the European population who will feel that their dearest wishes have been imperilled for the sake of some paper guarantee of an equality which they do not believe in. There will be a danger that some kind of safeguard may be sought against a repetition of this agitation, and that policy may be directed into a different channel from the progress towards liberality which many of us hoped would result from Union. It is my firm conviction that no worse blow could have been struck at the cause of the sound relations between the races than this notion of attempting to induce the British Parliament to over-ride the almost unanimous wish of South Africa on a question of native policy which is after all technical rather than practical, and I venture to hope that the project may receive no encouragement from His Majesty's Government.

I write, as your Excellency is perhaps aware, as one who, with my friend Mr. Sauer, for more than a generation have defended the reasonable rights of the natives in the Cape Parliament and have strenuously advocated a moderate and liberal policy at times when the majority, including Mr. Schreiner, were against us.

I venture to hope therefore that my strictures upon this deputation business will not be put down to anything beyond a sincere desire for the welfare of the natives, which is, in my opinion, gravely jeopardized by this unfortunate attempt to create antagonism between black and white in South Africa.

On 23rd June, a week after Schreiner, Merriman sailed for England. On board he had as a fellow passenger the Mahatma Gandhi and, no doubt, the long conversations they had gave Merriman that sympathetic insight into the Indian problem in the Transvaal which led him, two or three years later, to intervene both in Parliament and by using his influence from behind the scenes with his friends in the Cabinet. At Madeira he received the first messages of congratulation on his appointment to the Privy Council. It need perhaps scarcely be mentioned that this was not the first occasion on which Merriman had been " sounded " as to his disposition to accept some complimentary title. He seems to have shared the view of Rhodes that membership of the Privy Council was

the only " distinction " which a leading statesman in one of the Dominions could accept as an appropriate recognition of his public service.

I have cited Merriman's letter to the Governor at some length as containing a full exposition of his views on native policy. On the other hand, the long discussions in the Convention on the same subject have been dismissed with a brief reference, in view of the fact that since Union the matter has largely remained in abeyance. There has hitherto been no interference with the Cape franchise and no extension of the coloured vote to the other provinces. No proposal has been made by the Union Parliament for the annexation of the Protectorates and the provisions of the Schedule have therefore remained inoperative. The problem of the relations between the European and the coloured sections of the community has indeed been much discussed ; but it now seems probable that its solution will be left to some future Parliament, and there is perhaps a growing recognition that it will require all the statesmanship the Union can command.[1]

When the delegates reached London there were some anxious days. Lord Crewe, however, met them in a conciliatory spirit. He was anxious to see the Union through and fully recognized that the emissaries were not in a position to accept any material changes in the draft they brought. The Schedule caused more discussion, and some modifications were made, which diminished the risk of Schreiner's propaganda meeting with much response. The Bill was introduced in the House of Lords in July and passed both Houses without amendment. The " South Africa Act, 1909," became law in September and was to come into force on a day to be appointed by proclamation. The appointed day was 31st May—three weeks after the King's demise—but

[1] This passage was written before the General Election of 1929. The Prime Minister (General Hertzog) has since then shown some disposition to remove these matters from the sphere of party politics and intimated his intention to refer them once more to a Select Committee, in which he invites the co-operation of the Opposition (see *The Times*, Nov. 13, 1929).

it was also provided that a Governor-General might be appointed on any date after the proclamation. Further particulars of this last stage in the proceedings will be found in the *Life of De Villiers*, whose tactful attitude was again conspicuous in smoothing the way for a final settlement. It would be superfluous to enlarge further on the great part played by Merriman in the achievement of his long cherished aim of bringing together the people of the land of his adoption under the guidance of their own leaders.

After completing the work of the Delegation in England, Merriman had to hurry back for the last ordinary Session of the moribund Legislature of the Cape. The situation there was now very different from that in which, two years before, on the opening of the first Session, he had taken his seat as Prime Minister with a large and united majority at his back. By two years of rigorous retrenchment and comprehensive taxation he had enabled the Cape Province to enter the Union with a small balance to its credit. Meanwhile, as the result of such measures, the Treasurer had become the most unpopular figure in public life.

As to the anger of the wine-farmers, he was full of Biblical metaphors. To French, the Agent-General, he had written in March : " I fear that the wine-farmer here, like the Jews of old, will not listen though one rose from the dead." His anticipations on this subject were fully realized by the event. He writes again in October : " I am having a most horrid time with my wine-farming friends, who, like those forty Jews, have bound themselves with an oath to slay Paul." Deputations besieged him in his office, while angry demonstrators blocked his path from the Treasury to the House. He sums up the position on 1st December : " The Session has not I think weakened the Government but it has damaged the Colony to a certain extent and has very prejudicially affected my own position *vis-à-vis* to Union, which was in some measure the aim of some of our wine people."

Besides these adverse elements Merriman's position was weakened by dissensions in his Cabinet. Two of his col-

leagues, apparently thinking that he had failed, during the Convention, to represent the views of the Bond, were distinctly hostile. There were communications with Pretoria and attempts to organize opposition to his re-election, in the new Parliament, for his old constituency.

CHAPTER XX

BOTHA FIRST PRIME MINISTER OF THE UNION

Herbert Gladstone appointed Governor-General—His arrival delayed—Merriman corresponds with Botha—Jameson's suggestion—" The Botha boom "—Gladstone's mandate to Botha—Merriman declines Botha's invitation—Correspondence with Steyn—Death of Merriman's mother—Letters from Schreiner and Olive Schreiner, General Hertzog, Sir W. Hely-Hutchinson and General Scobell—A letter to Goldwin Smith—Merriman elected unopposed for the Union Parliament at Victoria West—End of his official career.

THERE was naturally much speculation as to the nomination of the Governor-General and the constitution of his first Ministry. When the appointment of Herbert Gladstone, then Home Secretary, with the rank of Viscount, was announced, Merriman thought it important that he should arrive as soon as possible and endeavoured to induce the Premiers of the other Colonies to support him in making a suggestion on the subject. Writing to French on 22nd December, he says :

I am getting a little anxious about the administrative arrangements after 31st May, and it will be necessary that the Governor-General gets here in good time so that he can appoint his ministry at least a month before they take office or we shall have something very like chaos on the 31st May. You see it is not a Federal Union where the different units can go on on the old lines for a while, but on the proclamation [he evidently means on " the appointed day "] all executive authority ceases and all functions are vested in the central power. . . . The situation is, as far as I know, unique, for of course in the union of England and Scotland the position was one of accretion, while here it is an absolutely new creation which takes the place of and destroys all the other governments. I am afraid the position is still more complicated by the amount of intrigue that is going on.

For these reasons, he had no difficulty in showing that Botha's view that things might " go on as they are " for a while after Union was quite impracticable. In a letter to Goldwin Smith, he says : " Out here we are in some confusion. We are now told that Gladstone is to arrive on the 17th May, and on the 31st of that month all the Governments and Parliaments come automatically to an end. In something like ten days he has to get a Government together, knowing nothing of the circumstances of the country beyond what the press, which is mostly in the hands of the capitalists and society in London, can tell him. This Government will have to frame rules for carrying on the machinery of government and make a number of statutory appointments before the 1st of June. If there is not chaos it will be very wonderful."

He seems to have rather under-estimated the sources of information available to Gladstone as a member of the Cabinet. At the same time he received a letter from Botha, covering a full memorandum as to the relations of the Administrators with the central Government, to which he replied at length on the 12th. He also took the opportunity of making some further observations on the vital importance of determining the allocation of duties to the respective portfolios, which he supposed " must now stand over for the arrival of the Governor-General," and the question of the representation of the Union in Great Britain on the expiry on 31st May of the commissions of the respective Agents-General. He concluded with another reference to " the danger and inconvenience that must ensue if the Governor-General arrives on the 17th May. It will be no easy matter to form a Ministry and still more difficult for the Administration to make the very important appointments which are contemplated by the Act as necessary to come into being on the 1st June." In this letter, written in very friendly terms, he promised to forward certain memoranda on the subjects discussed which had been prepared by the Cape Attorney-General, the Agent-General and the Auditor-General. From

its tone and tenor one would infer that he still contemplated the prospect of association with Botha in the new Ministry.

Merriman seems scarcely to have realized that a Governor-General designate, staying presumably as the guest for some weeks of the High Commissioner, would find himself in an embarrassing position ; on the other hand, he perhaps over-estimated the discretionary powers, " to survey the position," with which he might be expected to arrive. The question of the person whom he should entrust with his mandate must have been threshed out in Cabinet and the discretionary powers of the new Governor-General, who had no special conversance with South African affairs, were probably restricted. As to the intrigues which meanwhile were going on—and Merriman was a poor hand at intrigue—they seem to have been mainly connected with a proposal by Jameson, who was a great admirer of Botha, for the formation of a " best men government " and a coalition of the different parties. This was strongly opposed by Merriman for reasons which he fully explains in his letters. Smuts and Steyn entirely agreed with him, but Botha's attitude at one period seemed somewhat ambiguous. Towards the end of January he, accompanied by Fischer, visited Capetown and threw out some feelers as to " amalgamation." However, largely through Merriman's attitude, the scheme fell through and need not now be discussed. As Steyn was precluded by the state of his health from accepting office, it became clear that Gladstone on arrival would send either for Merriman or Botha.

Merriman makes his own position and feelings clear in a private letter to the Agent-General, Sir Somerset French, with whom he was on intimate terms ; from this letter it may be advisable to quote somewhat fully. After thanking French for his expressions of confidence he goes on to say :

> I do not greatly care for office—though the public think I do—and had Union not taken place it was my intention to have resigned as soon as I had got the Colony out of the horrible muddle in which I found it. But I see that the initiation of Union will be a work of the greatest difficulty, if it is to be done on sound

parliamentary and financial lines. I think that I can do the job and I have grave doubts of the other people. Therefore if I am asked to form a Cabinet I will do so, but if I am not I shall with resignation stand on one side, as nothing will induce me to undertake the drudgery and the humiliation of a subordinate post. At the same time from what I can learn H.M.'s Government are very anxious to have a Transvaal administration, which I hope they will not have to regret afterwards. Of course their knowledge of parliamentary procedure is very limited and their ideal is for the Government backed up by a caucus to rule, with Parliament playing second fiddle. It is all-important that we should have a stringent Audit Act.

Writing again in the following month, he adds :

All the intrigues continue in full blast and no stone is left unturned to work the Botha boom. If they succeed you will see a practically purely Dutch Ministry, which will be a misfortune for South Africa. . . . The situation is not a pleasant one. . . . What you say about old Hofmeyr is quite true. He is an almost irreparable loss at this juncture.

Merriman's position can easily be understood. In experience and statesmanlike capacity he had no rival in South Africa. He had been a member of the Legislature for over forty years and had done much to maintain the high tone and traditions of parliamentary life at the Cape. He had been a member of four Cabinets and was now the Prime Minister of the senior Colony. He had convened the Convention and done much to promote its successful issue.

Botha, on the other hand, had a high reputation as a farmer and fighting man. But responsible Government in the Transvaal was in its infancy and he had enjoyed little opportunity of showing whether he possessed any capacity for statesmanship. There had, however, during his short administration, been more than one disagreeable incident, which warranted Merriman in laying stress on the importance of securing an efficient Auditor-General, with ample powers of control over expenditure. Botha, it should be added, could rely on the backing of *Het Volk*, while Merriman's position at the Cape, both in Cabinet and Parliament, had

been weakened by circumstances for which he was not to blame. Lastly, Botha, when in England, had acquired favour in the highest quarters, and it may well have been felt that it would be a striking *coup*, illustrating the wisdom of the bold policy of Campbell-Bannerman, if the most distinguished of the Boer Generals, who had fought against Great Britain a few years previously with so much success, should now become the first Prime Minister of Union.

At length, on 17th May—just a fortnight before "the appointed day"—the Governor-General arrived and was greeted at the docks by the four Prime Ministers and other distinguished personages, to say nothing of the general public, who were much impressed by his appearance in a brilliant blue uniform, with spurs and sabre, generally supposed to have been designed for the occasion. On the 19th he invited a call from Merriman, and "talked," as the diary records, "for 1½ hours round about the affairs of the country with a most engaging absence of knowledge and even of information."

Two days afterwards Botha received a commission to form a Ministry—and that was that. He at once wrote to Merriman :

21st May, 1910.

I have just been entrusted by Lord Gladstone with the task of forming the first Union Government, and I take the first opportunity to ask you whether you will do me the honour to join it.

Not only is it my strong personal wish that you may see your way clear to do so, but I feel sure the people of South Africa who value your life-long public services and unique experience expect that you should continue to serve the country and assist in making a success of the Union in the establishment of which you have taken so distinguished a part.

As the time for forming a Government is now very limited please let me know as soon as possible what your views are. If you prefer to talk the matter over with me, I shall be glad to see you any time you may appoint.

Merriman's reply was as follows :

21st May, 1910.

I have to thank you for your kind and generous letter. I do not

think that much good would be attained by my joining your Government, and it is possible that I may do more by supporting it from outside.

It will be a good opportunity for me to take a much needed rest. I must ask you therefore to excuse me.

During the next few days Merriman had a stream of callers urging him to change his mind ; but *litera scripta manet.* He had, as has been seen, long before come to a decision as to his own course in such an event. Among his visitors were Sauer —whom the diary refers to as " a politician troubled about his soul "—and Burton, both of whom he urged to accept Botha's offer. Sauer became Minister for Railways and Burton, whose help as a colleague Merriman had greatly valued, received, much to his satisfaction, the portfolio of Native Affairs. On the 24th the Governor-General left for Pretoria ; Botha followed him on the same day, " having," says the diary, " patched up a cabinet with some rents in it."

On the following day, Merriman received a sad blow in the news of the death of his venerable mother at Grahamstown. She had reached the great age of 92, and up to the last preserved much of her remarkable mental equipment and her keen interest in affairs. It may have afforded some consolation to her son that she had been spared the disappointment of learning that the great position which she had expected him now to attain had fallen to another. At this time he received many sympathetic letters, on both personal and public grounds, from which a few selections may be admitted here. On the 22nd he had written to Steyn in reply to a telegram as follows : " Sincerely hope that if anyone else is asked to form Ministry you will not decline. I ask this for the sake of our country that now, more than ever, has need of your statesmanship and experience."

Merriman replied :

I was just sitting down to write to you when I got your telegram to which I send a reply to-morrow, but I cannot do so fully within the compass of a mere message. You know what confidence I have in your judgment and what value I set upon your

good opinion, therefore I am always greatly pained when I have to differ from you, and will spare no pains to justify myself. Botha wrote asking me to join him. I replied that I thought no good purpose would be served by my doing so, and that I could possibly do more good by supporting his Government from outside. I did this for the following reasons. I know better than anyone from experience what a miserable position one occupies as a subordinate in a Cabinet with some of whose members he is not in sympathy. How powerless one is for good and how one is insensibly drawn on from one course that one disapproves to another, until, when all one's influence for good has been lost, something takes place that makes a rupture inevitable, and then one finds that all power of exercising a restraining influence has vanished and one is besmirched with the evil reputation of deeds to which one may have most strongly objected at the time. But then Rhodes and Schreiner were men with whom I was in sympathy—they were at any rate my equals if not my superiors in intellect. *Now* the case is entirely different. I have no respect for Botha's political knowledge, my experience on the Convention and since has shown me enough to convince me that we should constantly differ, and in this way weaken and render nugatory good government. Much as I like Botha as a man and admire him as a partisan leader in the field, that does not blind me to his political shortcomings. The whole of his tortuous intrigue with Jameson and the cowardly silence he has kept on that matter, the extravagance of his Administration and the discreditable job with which it terminated, to say nothing of the tactics of the steam roller and the caucus which dominate Transvaal politics all convince me that service under such a chief would—holding the views that I do—be an act of political dishonesty. I am sure that inside a Cabinet I could do nothing to stem these tendencies, outside, particularly as an independent supporter, I might exercise a restraining influence. It has pained me more than I can tell you to know that two of my colleagues have not been true to me, and that threats have been held out that every effort will be made to keep me out of Parliament. Well, even that may not be an unmixed evil, though I confess it would be a most painful blow—undeserved I think.

I am sending you a copy of my last financial statement that I fondly think is not a bad swan song for a minister. Do, I beg, my dear President, not misjudge me and believe that I have acted in this matter as I believe my duty tells me.

Steyn replied three days later :

Your letter I have received and I really do not know what to say. My own feeling I can best express in the Dutch word " hartzeer." . . . It is that sad feeling one has after great misfortune, when you realize your helplessness. I cannot bear the idea that the first ministry should be formed without you, and yet, though regretting your decision, I can understand and appreciate the reasons that led you to take the course you did. I had so hoped that you would have placed South Africa's finances on a sound basis for they require it badly.

I am glad to know that Mr. Sauer will likely be in the Ministry. I must say I am not in the least surprised at the course events have taken, because from the moment that we arrived in London I felt that the whole Imperial influence was thrown in the one scale. Why they should have done it I cannot understand. Perhaps there is some deep imperial policy which an ordinary mortal cannot understand.

I am indeed very sorry to hear that some of your colleagues did not play the game. I know what it is when men fall away at a critical moment on whom you thought you could rely. I refuse to look upon your last financial statement as a swan's song. No, I prefer to call it the song of the lark at the break of day. Be that as it may, of one thing you can be assured, that though you are not in the Ministry you are in the hearts of all true South Africans who love straightforward, honest and clean statesmanship, and as far as Dutch South Africa is concerned, I sincerely pray that they may never forget what you have been to them in the hour of their trouble, when it was a deadly sin to be a Boer's friend.

Merriman also received what he describes as " a charming reply " to a letter he had written to Schreiner :

It is most gratifying to me that you should write to me and of me as you do. All differences that have arisen on public matters have never deprived me of belief in the earnestness and sincerity of your attitude and action, or altered that admiration of your qualities which, as you will remember made me in 1898 willing, *si non dis aliter visum* (if the lot had not fallen upon Jonah !), to work under you. The war and its lessons have effected fundamental changes in my standpoint and convictions regarding state-craft as opposed to statesmanship, and life's experiences have taught me that the golden thread of Justice in every matter is the only clue out of the labyrinth. With that in hand, one may help others to win through

out of the darkness—or, losing it, one may make shipwreck and do harm with the best intentions possible. . . .

May I add that it has been to the last moment my hope that you might either form the first Cabinet or in it take charge of the finances of South Africa. Who holds the purse governs. The country will not be as safe in the constructive period as it would have been, and I venture to think should have been, with you in the Cabinet and in control of the Treasury.

The same post brought him a letter of condolence from Olive Schreiner, in which she says :

I can never forget how at a time of great stress and anxiety in my own life, a letter from you which I always treasure brought me much sympathy, and I wish it were possible for me to be of a little help to you. . . . In one sense it may turn out best that you are not in the Ministry. You will now be free to act as a leader to those who realize that only by treating the South African natives with justice and binding them to us by affection can we make the future of South Africa great.

At this time the leaders in the Free State—Steyn, Fischer, and Hertzog—seem to have been somewhat jealous of the Transvaal, and to have agreed in hoping that Gladstone's mandate might go to Merriman. On 1st June General Hertzog wrote :

It was with the greatest disappointment I heard that you had finally decided not to join the Ministry, though I could not help feeling that under the circumstances you had decided wisely. My esteem for you is too great to have desired you to sacrifice your high standing by taking a subordinate position in the Ministry, however much from a more selfish point of view I would have been pleased to have you with us. There are some men, the best, and therefore not always the most fortunate, whose good name and high reputation are not their own but that of their country and who have therefore to take care that these are well preserved. I suppose that like our Roman friend you will now retire for a while to Schoongezicht. My very best wishes accompany you and Mrs. Merriman to that glorious retreat. I shall often think of your great kindness and friendly goodwill to me.

Among other correspondents at this period were Sir Walter Hely-Hutchinson, who had for some years been Governor,

and General Scobell, who had recently been Administrator of the Cape. Sir Walter says :

I need not tell you how much I regret, both on personal and public grounds, that you are not in the Ministry, but I recognize that the only part you could have accepted was that of Prime Minister. With you at the Treasury I would have felt happier about the finance of the Union than I do.

General Scobell writes at greater length :

I must write you two words to tell you that I appreciate all the kindness, the courtesy and the forbearance with which you have invariably treated me during the last five months more than I can say. Had I been the actual Governor with a brilliant political or diplomatic record, instead of just an ordinary soldier with no previous experience of any sort of the working of a self-governing Colony, you could not have behaved towards me with greater consideration. When I first realized that Lord Gladstone had made up his mind to send for Botha, it was as keen a disappointment to me as it could possibly have been to any of your friends who had known you intimately, for perhaps more years than I had weeks.

On 2nd June there is a line in the diary : " Finished office and said farewell to old room in which I spent seven years of official life—a great wrench." And on the next day : " Started for Schoongezicht and a new life. Well, we might be a great deal worse off."

He must have been pleased by receiving, at this trying season, letters such as those from which I have quoted. Among his own letters there are two containing passages indicating his view of the actual situation and the probabilities of the future. Writing on 5th June to his old correspondent Goldwin Smith, after a reference to the loss of his mother, he continues :

As for public affairs, we have had, with the arrival of Lord Gladstone . . . the accomplishment of our Act of Union. It has been a disappointment to me that I was not entrusted with launching the ship in whose building I have taken such a part—but *dis aliter visum*. However, I have a certain amount of the *mens aequa in arduis*, and I shall not lament over the inevitable. But I do have

some dread for the future. Wasteful administration and graft are two of the lions in the path. Quite recently the Transvaal Legislature and Government have voted themselves £300 sessional allowance in defiance of the law. The Supreme Court declared it " illegal and unconstitutional "—this is a very bad augury for the future. . . . However, we must hope for the best and try and make the thing a success.

In the previous year he had begun a correspondence with Mr. Basil Williams, author of a *Life of Rhodes*, which he continued for the rest of his active life and in which they exchanged views on current affairs ; these letters have been kindly placed at my disposal. On 1st May he had written :

Why Great Britain should nominate our Prime Minister is another question ; I do not think it will be a bed of roses under any circumstances . . . but the prospect of a Transvaal Government is not cheering to an economist like myself. . . . I am in rather an odd position—very like a man condemned to death, counting the days to the day of execution. . . . We have just had a Japanese battleship here, built in Japan, and everything except the guns made in that country. It was rather significant to see the British Indians turn out in their best clothes to welcome the achievement of an Asiatic race.

" The day of execution " had now arrived and on 6th June he writes again :

You will have learned by this time that I have been shelved and the hegemony of South Africa has departed from the Cape to the Rand. It has been rather a jar to me as of course it is not only a personal slight but also one to our own Colony. It was arranged by the Liberal Government,without much regard for South Africa, as a picturesque coup for the electoral platform. . . . However, it is of no sort of use to sit down and nurse a grievance. The two things to be watched are the dominance of the money power and native policy. If we can keep our Parliament clean we may do well, but there are ugly symptoms. This £300 steal in the Transvaal is an outward manifestation of possibilities which will make the poor taxpayer squeal. The death of King Edward may not be an unmixed evil. He was so superior in ability and knowledge to his Ministers that there was a danger that Parliament might have been subordinated ; good monarchs are not always

the best nurses of freedom. I hope the new man may have his father's tact and *bonhomie* without that dangerous taste for diplomacy.

The late King had taken a keen interest in the establishment of the Union and had deputed the then Prince of Wales to open the first Parliament at Capetown. He died in May, three weeks before the " appointed day," and his present Majesty, instead of visiting South Africa, had at once to deal with the grave constitutional questions arising out of the ill-judged rejection by the House of Lords of the Finance Bill of 1909.

Merriman at this time felt that he badly wanted a holiday before the struggle began in the constituencies. He took his wife for a trip to the Victoria Falls, and on returning to the Cape was duly nominated for Victoria West, an electoral division of which the boundaries had been little changed by the new delimitation. He had received invitations from other divisions, including Wodehouse and Stellenbosch, but preferred to seek a renewal of confidence from his old constituents. Attempts had been made to organize opposition to him in some of the outlying districts and in these machinations two of his own colleagues in cabinet seem, very little to their credit, to have been to some extent involved. General Scobell, in sending him a few words of congratulation on his unopposed return, adds : " *On dit* that your election expenses were 13s. 4d."

Had Merriman seen his way to become the first Treasurer of the Union, Sauer, in charge of the Railway administration, of which the finances were now kept separately, and Burton, with his responsibility for Native Affairs, would have been happier men. The Ministry, on the whole, would have been a stronger combination and certain scandals, such as the extravagant salaries voted to the Ministers themselves, would probably have been averted ; but there were incongruous elements which probably would not have long held together ; and the general opinion seems to have been that, in all the circumstances, Merriman could scarcely have acted other-

wise. In any case, the country had reason to be thankful that when, four years afterwards, the Great War came, Botha still held the reins of power, and was thus enabled, with the invaluable co-operation of Smuts, to render services to South Africa, and to the Empire, which no other could have achieved.

Merriman sat in the first three Parliaments of the Union, at first for Victoria and afterwards for Stellenbosch ; but his official career was now over and, before proceeding farther, it may be not inopportune briefly to revert to some of the characteristics which, during the last forty years, had made him such an impressive personality in the Parliament of the Cape. For this purpose I have had the advantage of utilizing some striking appreciations by some of his colleagues and others with whom he was in close touch at various periods of his public life.[1]

[1] For such help special acknowledgments are due to Sir James Rose Innes, Mr. Burton and Mr. Currey ; also to Lord Buxton, who succeeded Lord Gladstone as Governor-General.

CHAPTER XXI

MERRIMAN'S PERSONALITY

Merriman's personality—His intercourse with colleagues, officials and personal staff—Dislike of the Caucus—A great Parliament man—Attendance at the House—Advice to young members—Characteristics as a speaker—Wit and sarcasm—Preoccupations when in office—Irrigation Act and Bank Act—Views as to native policy and independent status of self-governing Colonies—Importance of sound finance—The Centenary of Gladstone.

According to Boswell, on one occasion, when the conversation turned on Burke, Johnson observed that if Burke, while walking in the street, took shelter from some obstruction to the traffic, and a stranger were to join him for the same purpose and engaged in some conversation, the stranger, when he went on his way, would feel that he had been in contact with an extraordinary man. Anyone who met Merriman casually, without knowing his identity, might well have retained a similar impression. The description of a man as gifted with a " magnetic " personality is rather a hackneyed phrase ; but the *cliché* conveys the idea. There was something about Merriman singularly attractive to those with whom he was brought into passing contact, and which deepened with the growth of intimacy, but which defies analysis and can scarcely be made comprehensible by those who never enjoyed his acquaintance.

His colleagues in Parliament and in Cabinet, and others, such as the permanent officials, whom he was wont to describe as the real rulers of the country, always regarded association with him as a privilege. He thoroughly enjoyed his official duties ; affairs always appealed to him and he revelled in congenial work. The grip which he acquired of departmental details stimulated the industry of his subordinates. The same remark applies to his personal secretaries.

He was an exacting chief and expected them to display a zeal and industry commensurate with his own. After office hours, when travelling or at home, he ceased to be the taskmaster and became a charming companion.

To young members of the House he was always sympathetic and stimulating ; he urged them to be regular in their attendance, to acquire information by service on Committees and to make themselves conversant with procedure. He regarded the judgment of Parliament almost as if it emanated from a personality and a capacity distinct from and superior to that of the aggregate of its members. He hated the caucus and was never at home there ; partly because the atmosphere of log-rolling and intrigue was very distasteful, but mainly because it interfered with that freedom of individual judgment which in his eyes gave to the collective decision—" the commonsense of most "—its peculiar value. It may be said of Merriman, as of Peel, that " he was a great Parliament man."

He was always a staunch supporter of the rights and privileges of Parliament. He regarded a Minister, though formally the Minister of the Crown, as really the servant of the people, whose views and wishes were enunciated by their chosen representatives. This attitude was reflected in his opposition to Froude's proceedings, as the emissary of Lord Carnarvon in his scheme of federation. It was an important factor in the controversy with Frere, when the Governor claimed to be entitled to control the colonial forces engaged in the suppression of a native rising. It afterwards led to the break with Schreiner, when the latter acquiesced in Chamberlain's policy of disfranchisement, which was opposed by the great majority of his supporters in the House, and would have produced at the Cape a grievance among the Boers, who cherished their electoral privileges, certainly not less than that of the Uitlanders of the Transvaal, on behalf of whose claim to the franchise—for which many of them " did not care a fig "—the war was then ostensibly being waged.

During the sitting of the House he was regular in his

attendance. No matter what was going on—from a full-dress debate to a discussion on the estimates—he enjoyed it all. On the opposition benches he displayed an uncanny skill in raising in Committee of Supply some trifling point which would interest the back benches. He called this "starting hares," and took a delight in watching the chase. The time was pleasantly spent, and business was not unduly expedited. These excursions, however, needed some discrimination. "One evening," a colleague writes, "Merriman and I entered the House to find it quivering with excitement over an alien hare. The animal was not electric but the atmosphere was. The question was whether the 'springhaas' (Jerboa) should be included in the schedule to the game law. It was a 'levens questie' with the farming members. Having heard the discussion, we took the sporting view and voted accordingly. 'Good heavens,' said Merriman, 'we are on the wrong side; there's Uncle George [1] noting the names of all voting against him in a little black book, with an expression which says plainly, "at last I know who are my friends and who are not!"'"

"A discussion with Merriman," the same colleague remarks, "was not only an intellectual pleasure, but it was always stimulating. He had a well-stored and very original mind. Wide reading and a tenacious memory had equipped him with material upon which he drew generously and with great effect, but the ideas in whose service he used that material were always his own. This was a quality which Rhodes—who enjoyed his morning ride with Merriman before the business of the day—recognized and appreciated. Time and again, during discussion, in Cabinet and elsewhere, has Merriman flashed out an illuminating remark throwing new light on the subject or suggested an idea which had occurred to no one else."

Probably sufficient has already been said of Merriman's qualifications as a parliamentary speaker. There may have

[1] Mr. George Paton, see *supra*, p. 131, note.

been others who at times excelled him in oratory or in debating power, but scarcely in both combined. He may not have possessed the eloquence of Porter or Upington, the adroitness of Sauer in debate, or the logical mastery of Schreiner ; but he possessed a distinctive personality which could dominate an audience. Nor was he hampered by that fluency which often proves a handicap in addressing a legislative body. There was always a certain hesitation and an occasional repetition which made it all the easier to follow his argument. When important questions were at issue he lifted the debate to a high level—and kept it there. He excelled too in the cut-and-thrust of debate. He was a dangerous man to interrupt, for the retort came quick and strong, nor was it always the retort courteous. But his assault, however severe, was never venomous, and left no scar. He was a clean fighter and always admired a foeman worthy of his steel. Such an one was Upington. On one occasion, when Upington was fighting a rearguard action, Merriman remarked to a colleague : " Look at him ; he knows he has no case ; but there he is, brandishing his broken sword in the last ditch, a gallant little fellow."

Another colleague writes in the same vein : " His speaking was unequal. At his best, it was brilliant and full of point. Invective was one of his strong features. He was a good scold—a quality inherited from his mother, a remarkable, forceful woman, with a sharp tongue—with a fine turn for irony, but his attack was generally made with a delicate rapier, pointed enough but seldom twisted in the wound. He was a man of strong feelings and prejudices and considerable temper ; but though his shafts were pointed and he was his own worst enemy, inasmuch as he often ' preferred his gibe to his friend,' yet he never bore malice and more than once displayed considerable chivalry in his treatment of opponents."

Sprigg, when in office, showed considerable skill in the management of business ; but his self-complacency was apt to provoke the raillery of Merriman. " Who, Mr. Speaker,"

Sprigg rather pompously inquired, when introducing a Budget—the practice at the Cape was to introduce the Budget in the House before going into Committee—" Who were the three greatest finance Ministers of modern times ? Pitt (a pause), Peel (a pause) "—but before he could conclude his trilogy, as he presumably intended, with the name of Gladstone, Merriman looked up from his papers and ejaculated " Sprigg." The gibe, in cold print, reads poor enough ; but the tone was inimitable and the effect instantaneous. During Scanlen's administration, Sprigg denounced the Ministers " not merely for their incapacity but for their immorality." Merriman looked up, with an air of pain, to inquire, " Oh, not Mr. Hutton ? " Now Mr. Hutton, if he cut no ice as Treasurer, was a great philanthropist ; and the association of a man, so known for all good works, with the imputation of immorality, convulsed the House.

In the course of his long public life Merriman, of course, supplied grounds for criticism, and the *advocatus diaboli* did not lack materials for his brief. He was inspired, it was alleged, by no defined policy ; he was regarded as a dangerous leader ; the effect of his oratory was often diminished by the absence of a sound logical basis for his views and the fact that his grip of the points in issue was rather comprehensive than profound. As a legislator, it was added, he left no great mark on the statute book of the Colony. To take the last point first, it should be remembered that, although he was in Parliament for more than half a century, his aggregate service as a Minister was only about ten years and they were periods in which the Cabinet was so much preoccupied with other matters as to leave comparatively little scope for contentious legislation. After he joined Molteno, he was largely concerned with Lord Carnarvon's Federation proposals, and the drafting of minutes in reply to the dispatches from Downing Street mainly devolved on his shoulders. Then came the embittered controversy with Froude, as the emissary of Carnarvon ; and after Froude had departed, to enjoy his Pindar on the high seas, and compile his " Oceana," the

Government found themselves at grips with a native rising on the eastern border, and to Merriman, while holding the portfolio of Commissioner, were assigned the duties of Minister of Defence. Then came the dispute with Frere as to the control of the colonial forces and the abrupt dismissal of the Ministry.

It should not be forgotten, however, that, amid all these preoccupations, Merriman, as Commissioner, introduced and carried, in 1877, the first Irrigation Bill, a comprehensive measure which for many years, with little alteration, embodied the policy of the Colony on that subject. Merriman was always full of plans and schemes for improving agriculture and took a special interest in the practicabilities of irrigation. He believed in the efficacy of small local schemes, controlled by district boards with rating powers—such as the Nuy scheme in the Robertson District—rather than in more ambitious projects, such as that of Van Wyksvlei and that at Thebus, in the Steynsburg District, which imposed a heavy burden on the State and ran the risk of failure from silting. When next in office, under Scanlen, Merriman was fully occupied with the Basuto entanglement and other questions of border policy, together with the critical state of public finance. He first became Treasurer under Rhodes and in that capacity carried the Banking Act, which did so much to strengthen the financial organization of the State.

The attacks on Merriman for inconsistency, in his attitude to men and events, are among the banalities of public life and need not detain us. He entered Parliament, it was said, as an opponent of responsible government, and, after its establishment, pressed the principle of self-government to the limit. After Molteno had formed the first Ministry under the new *régime* he showed himself active in opposition and then accepted the first offer of a portfolio. But Merriman began his public life at a season and in circumstances which required a certain " flexibility of adaptation " to his new surroundings; yet if we refer once more to a brief letter he addressed to a relative after his re-election for Aliwal, we may perhaps trace

the germ of some of the principles on which his public life was largely based. He there said, in reference to the demand for responsible government, that it might afford more opportunities to an " adventurer " like himself, but he was disinclined to support it mainly through fear that, under such a system, questions affecting the natives might become the theme of racial controversy between the English and the Dutch. It is clear, from the terms of this letter, that from the first he preferred the welfare of the State to any private advantage. The situation at the Cape, he felt, was such that it was vital that the native and coloured people should not only be treated with justice but should themselves feel that they were so treated.

He was never described as a negrophilist, but his attitude in such matters won the respect and confidence of the leaders of native opinion, who looked up to him as a valued friend. While opposing the first Glen Grey Act, as including the germ of compulsory labour, he favoured the substitution of individual for communal tenure, with the result of an increased demand for commodities and plant ; and in appropriate cases he supported the grant to native communities of some measure of local self-government.

He thought that the native franchise at the Cape had on the whole worked well ; but he also thought that the proposals, made by Schreiner and Stanford at the time of the Convention, with some support from the authorities at home, to establish uniformity by their extension elsewhere, were bound at that time to fail and would only prejudice the position of those in the Cape Province.

As to the natives in the Protectorates, he felt that in the future a claim might properly be advanced for their inclusion in the Union and acquiesced in the provisions for safeguarding their position in that event which were contained in the schedule to the Act.[1] Lastly, it should be added that, without laying down any general rule, he thought that such of the coloured people as showed any technical capacity or

[1] See Walton, *Inner History*, pp. 293-303.

aptitude for skilled labour should not be hindered in its exercise, and that remuneration for such services should depend not on the colour of the workman's skin but on the value of his work.

It was partly on this account that Merriman, when first elected, took an active part in the opposition to responsible government ; when it was established, with Molteno as the first Premier, he naturally took a seat on the opposition benches. After the lapse of some years, in a new Parliament, with no important matter on which they were at issue, he saw no sufficient ground for refusing a vacant post in the Cabinet, exchanging the role of a damaging critic for that of a useful colleague. He always maintained the view that when once the people had acquired the right to manage their own affairs, they should be allowed to exercise it without restriction. It was this view that animated his resistance to the policy of Lord Carnarvon and the attempts of his emissary to organize opposition to the Ministry at the Cape. On similar grounds he opposed Frere's unconstitutional interference with the distribution by his Ministers of their administrative functions and with their right to direct the operations of the colonial forces. The climax came in later years, when Jameson and Smartt, with the approval of Milner, sought to suspend the constitution at the Cape, with a view to carrying some Downing Street plan of Federation at a time when the new Colonies had not acquired, and the Cape had been deprived of, representative institutions. There was no one who maintained more vigorously than Merriman that, since the Durham-Elgin settlement in Canada, the self-governing Colonies, and afterwards the Dominions, should be regarded as autonomous units in a commonwealth of nations under the British Crown.

This, it is now generally recognized, is now the only basis on which " that daily miracle, the British Empire," can be maintained ; and it was affirmed, at the instance of General Hertzog, supported by Canada, at the Conference of 1926. For the protection of the Commonwealth against foreign

aggression he looked to the aegis of the Navy, of whose efficiency and *moral* he was a great admirer, and to the maintenance of which he thought that every portion of the far-flung realm should contribute an equitable share.

Before concluding this general summary, a few words must be added with regard to Merriman's conviction that sound policy must be based on sound finance. He viewed with apprehension the piling up of public debt, while the mineral resources of the country were being exhausted for the enrichment of European speculators. Every time he took office at the Treasury, he found that financial soundness had been jeopardized by the extravagance and optimism of his predecessors, and in his last Ministry it was only by the most drastic retrenchment that he was enabled to produce a credit balance at the date when unification arrived. In previous Ministries his work at the Treasury had improved the credit of the Colony and had facilitated the raising of funds for useful works on reasonable terms. As an economist, he was a convinced free-trader ; he favoured the levying of customs only for revenue purposes. Like Rhodes, he did not believe in the protection of " bastard industries " or in elaborate schemes for inter-colonial preference. His guiding—and restraining—hand at the Treasury, in the early days of Union, would have been of much value ; but it was not to be. When the appointed day arrived, and he left, not without a twinge of melancholy, after forty years in the House and ten years in Cabinet, the little room at the Treasury, where he had spent so many strenuous hours, he did so with the reputation of a great Parliament man and an eminent servant of the Crown.

Having now discussed at some length the work of the last Cape Parliament, with Merriman as Prime Minister, and the story, practically contemporaneous (1908-1910), of the National Convention, in which he took such a conspicuous part, I may perhaps be forgiven if, before proceeding to the first Parliament of the Union, I venture to intercalate a personal reminiscence. Towards the end of 1909, after the passing of the South Africa Act, and the nomination of Lord

Gladstone as the first Governor-General, I was approached by a deputation with a request to which, after some hesitation, owing to my judicial position, I consented, to deliver an address on the Centenary of Gladstone. The address was accordingly delivered in the City Hall, on the evening of 29th December, and Merriman, then Prime Minister, was good enough to preside.

After I had concluded an address in which I fear, owing to the vastness of the subject, I must unavoidably have made a large draft on the patience of an indulgent audience, it was resolved, on the motion of the Chief Justice, that a message should be sent to the Gladstone family, Merriman undertaking that it should be cabled on the following morning. The vote of thanks for my address was proposed by Lord Brassey, who happened at the time to be staying with the Merrimans. He favoured the meeting with some interesting recollections of the voyage in the *Sunbeam* in 1885, when Gladstone was his guest. He mentioned, for instance, that one day, when in Norway, they passed a bookseller's shop, where Gladstone purchased a grammar and conversation book, and began a study of the Norwegian language. " Only a few days later a Norwegian pastor sent him as a gift an old Norwegian drinking horn, accompanied by a charming letter. Mr. Gladstone at once sat down and wrote him an equally charming letter of thanks in Norwegian."

The proceedings concluded with a vote of thanks to the Chairman, proposed by one of his great admirers, Sir Lewis Michell, whose death South Africa had recently to deplore : he referred to the great position he would occupy when the history of the Cape Parliament came to be written. Merriman, in a brief acknowledgment, expressed the hope that the new Parliament would carry on the traditions of the Cape Legislature in the free, ordered and full discussion of the subjects of debate. He added that it was to Mr. Gladstone's principles that they owed the advance made in the past year, " and he only hoped and prayed that the name of Gladstone might be further associated with South Africa in making a

practical, effective, working thing of what was at present only a political construction."

Altogether, an interesting evening. It was significant of much that such an assembly could be held, and such enthusiasm displayed, in the City Hall of Capetown, where for many years the name of Gladstone had been associated with rankling memories of Majuba Hill. People at the Cape had begun to realize that, whatever errors had been committed, the Ministry of that day had done their best to remedy them and had been right in acting on the principle that the execution of justice was a higher ideal than the vindication of prestige. I may perhaps add that I could never have anticipated, when we celebrated that centenary, that, precisely nineteen years afterwards—I wrote this page on 29th December, 1928—I should find myself in a position to recall this incident.

CHAPTER XXII

THE UNION PARLIAMENT

The Parliament of the Union—Merriman's position—Financial Relations with Provinces—Criticism of the Budget—Organization of Defence—Work of the Session—Views of Steyn—Land Settlement—Merriman's birthday—Speeches in the House—Estrangement between Botha and Hertzog—Reconstruction of the Ministry—Difficulties with Indians and natives—Death of Sauer and of Richard Solomon—Botha offers Merriman the post of High Commissioner.

THE first Parliament of the Union was opened at Capetown by the Duke of Connaught, amid much ceremony and pageantry, on 4th November. Botha had gone to the country with a rather flabby manifesto, advocating a vague policy of "conciliatie" and "toenadering." He could reckon on a sufficient majority in the new Senate; in the Assembly 66 members, out of a total of 121, now styled the "Nationalist" party, and mainly recruited from the Dutch parties in the Colonies, were elected as his supporters. Jameson, as leader of the "Unionist" Opposition, was content to watch the march of events, and prepared if occasion arose, to give Botha a helping hand against the extreme "Nationalists" on his own side of the House. The only fly in the ointment was that Botha himself, after a sharp contest with Fitzpatrick, was defeated at Pretoria, while Hull, the Treasurer, was equally unfortunate at the Rand. In all, three members of the Ministry had to seek fresh woods and pastures new; but all were provided with seats before the House met.

Merriman had been spared the trouble and expense of a contest, and took his seat as a "humble musket-bearer" in the ministerial ranks.[1] The musket did not grow rusty for

[1] When the new Parliament assembled, in the enlarged building at the Cape, Merriman was agreeably surprised to find that a special room had been reserved for the accommodation of the father of the House. This privilege,

want of use ; but the target, as might have been anticipated, was usually the Treasury Bench, and, more often than not, the Treasurer himself, whose improvident finance furnished a lamentable contrast with Merriman's methods at the Cape.

Before Parliament met he had discussed the situation in a letter to Williams, in the course of which he says :

As far as I can see the great questions before us are : (1) The Parliamentary control of finance and the placing of our finances on a reasonably economical basis. . . . (2) The apportionment of the relative functions of the Provincial Councils *vis-à-vis* to the central legislature. As you know, this part of our work was left in a very crude condition. It is no easy matter to secure decentralization of administration without trenching on the supreme control of the central legislature and this involves delicate questions of the true apportionment of the financial burdens. (3) The native question, which I am afraid is sure to be raised with more zeal than discretion. The cry for a white South Africa is very popular among those nationalists who do not consider that four-fifths of the " nation " they are so fond of talking about have black skins and that they do all the work. What a problem ! I have read with the greatest interest Sir H. Johnston's book on the negro in the new world ; I cannot say that it gives one much consolation as to *our* future. I hope your canvass is going on prosperously—what a hideous nuisance it must be. It is a sad reflection that with all our advanced civilization, we cannot get a popular House together without the humiliating farce of an election—says one augur to the other !

It may not be amiss to devote a page or two to Merriman's attitude, when the House met, to the subjects referred to in this letter. It was obvious from the first that, although he had no party to lead, his long experience and great capacity for affairs made him a very formidable critic. He began by supporting Jagger's challenge of the decision of the Government to postpone the appointment of the Financial Relations Commission under section 118 of the Act, which expressly provided for the constitution of the Commission " as soon as

usually confined to members of the Cabinet, he much appreciated. His room was conveniently situated and well equipped ; he could keep his papers there, write his letters, and receive his friends.

may be after the establishment of the Union." Hull and Hertzog tried to twist the clear intention of the Act, Hertzog asking how the work could be done before Parliament had decided how far the subject of education was to be delegated to the Provincial Councils. In ten minutes, we are told, he had torn Hull's argument to pieces. He dwelt on the grave danger of arousing suspicions as to undue centralization and asked how the provincial administration could be started on a sound basis without completing this preliminary inquiry. The *Cape Times*—never a supporter of Merriman—said that the ministerial reply to Merriman's indictment was weak and unconvincing and that the clock alone saved them from defeat ; they had had, the writer added, " a very striking object-lesson in regard to his unique position." The proposal for a postponement was tacitly dropped.

I was then in England on leave of absence and shortly afterwards received through the High Commissioner a cable from Hull, asking me to accept the appointment of Acting Chairman and to return to South Africa to begin the work " as soon as conveniently might be." This I did ; but, as already explained, Sir George Murray was detained for some months in England, while, during most of the year, I was much occupied with the work of an " Ordinary Judge " of the Court of Appeal, which I had undertaken during the absence on sick leave of one of my colleagues on the Bench. The Inquiry was a long and difficult one and the Commission was unable to present its Report in time for legislation in the following Session. Meanwhile, the Government consented to a proposal of Merriman's for the publication of the Minutes of the Convention ; Walton's *Inner History* appeared in the following year.

On 1st December Merriman made his first contribution to the discussion of the budget, his diary containing the rather contradictory entry : " I spoke for an hour, I hope with effect—might as well have addressed a stone wall." In the course of the Session Hull made more than one financial statement, and in the following March Merriman reviewed

the whole situation at much length. Among other topics he denounced the heavy expenditure which had been incurred, without authorization from Parliament, on the construction of public buildings at Pretoria and the provision of accommodation for the civil service on an extravagant scale. He also joined with Walton in criticizing the separation of the railway accounts from the general revenue. This course, however, had been arranged by the Convention, and embodied in the Act, with a view to the protection of the management of railways, ports and harbours from political influence ; the matter is discussed at some length in the *Inner History*, and it does not appear that any objection had then been raised by either Merriman or Walton. The inevitable result of this arrangement was that friction before long arose between Hull and Sauer, leading in the end to the resignation of the former.

Meanwhile, Hull's financial statements of 1910-11 presented an ample target to the humble musketeer of which he fully availed himself. In a discursive speech he referred to the increase in the estimates of expenditure of more than two millions over the aggregate estimates in the previous year and spoke with apprehension of the growing expenditure and the increase of public debt. Smuts and other Ministers came to the support of Hull and defended the Government against the charge of extravagance.

During these discussions an unfortunate incident occurred. Jagger divided the House on the question of the scale of ministerial salaries, which was certainly too high, though probably modest enough when compared with the profits derived from the sale of soft goods. Merriman was absent through indisposition, but was paired by the government whip against the motion. The next day he had to explain that the pair had been arranged without his consent, that he was opposed to the scale and " would have been false to his traditions, theories and practices had he voted in the direction in which he was supposed to have been paired."

In the course of the Session there was a debate on military

organization, to which Merriman made an interesting contribution. Now that South Africa was united, and the imperial garrison in the Transvaal in course of withdrawal, it was clearly advisable to systematize the somewhat haphazard arrangements of the former Colonies. Merriman cordially supported the views expressed by Smuts, which, after a conference with Haldane, were substantially embodied in the Defence Act of the following year. With two foreign Powers on our borders, and the possibility of a " yellow " battleship appearing in the waters of Table Bay, it was necessary, as he pointed out, to steer a middle course between inefficiency and militarism, a course which would require all the capacity of the Minister.

There must obviously be a certain number of guns, an adequate Ordnance Department, and a permanent nucleus of trained men. He quoted a French observer, who had eulogized the innate fighting capacity of the Boers, whose natural *moral* only needed a certain amount of training and discipline to furnish the material of a very efficient force. He also renewed his appeal for a substantial contribution to the maintenance of the Navy. Above all, he recurred to his old topic, the importance of a just native policy. If the white man regarded the man of colour as his " natural enemy " the sentiment would be reciprocated, and in the case of aggression from without more precautions would be needed against disaffection from within ; the native element, if fairly treated, might be expected to contribute to the strength of the whole community.

Parliament was prorogued in April. Before this Merriman had received a very cordial letter of congratulation from Botha—written in Dutch—on his 70th birthday (15th March). He described the work of the Session in pessimistic terms. " The Ministry," he says in his diary, " displayed phenomenal incapacity and an entire lack of leading or driving force. The caucus was an evil influence. The worst Parliament and Government I have known for 42 years." During the Session he kept up his correspondence with

Steyn, whose health was worse than indifferent. During the war the President had been the staunchest of Republicans and put up a gallant fight to the last ditch : in these latter days he showed a moderating disposition and mellow wisdom which, if his health had not been so broken, might have been of much service to the Union. In more than one passage he urges Merriman to make some allowance for the difficulties of the Ministry " on account of the irregular state of affairs which was created by the Act of Union." He expressed a doubt whether the British political system was suitable to the administration of the Union ; " the party system," he writes, " seems to me to have this double effect, on the one side it kills all individuality in the ordinary member, who must be ready in the interests of the party to cast principles as well as conscience overboard, on the other hand it tends to make the leaders despotic."

He shared Merriman's regret that during the Convention more attention had not been given to the Swiss constitution. " If," he added, " we could have devised a constitution in which that of Switzerland, improved by the best parts of the British constitution, were embodied, that would have done away not only with race division but also with all provincial jealousies."

Had his health permitted the ex-President to become the first Prime Minister, it seems probable that both Botha and Merriman would have been willing to become his colleagues, to the great advantage of the State. To Merriman, with his zest for affairs, notwithstanding the disclaimer in his letter to Sir Somerset French, it must have been a sad disappointment to find himself on the consummation of the Union, for which he had done so much, relegated to the place of a critic ; but when the recess came he found no lack of congenial pursuits in the Happy Valley. The farm continued to prosper under the management of Nicholson : and there was plenty to do in improving the arrangements for the export of fruit and stimulating the demand for his vintage in the English market. With various local interests, an extensive correspondence,

and the weekly meetings of his Board at Capetown, the time passed rapidly enough. He was still in touch with Sauer, when his old friend could spare time for a visit to his farm. He had refused a Debt Commissionership on the ground that it would entail too many visits to Pretoria ; and his talks with Sauer confirmed his impression that he had been judicious in escaping the *engrenage* of the administrative machine and refusing to exchange his little " Treasury crib " at the Cape for the sumptuous (but unauthorized) installation which had been provided for the Ministers (too numerous and too highly paid) at Pretoria.

After the Session Merriman took a trip to Europe, during which he visited the wine districts of Bordeaux, in the company of Lord Blyth and the Gilbeys, perhaps getting a hint or two from the bottling at the Châteaux which might prove serviceable in the cellars of Schoongezicht. He then went for a tour in Spain, which doubtless explains the inclusion of Hay's *Castilian Days* in the varied literary *pabulum*—from a Book on Home Rule by Basil Williams to the *Anneau d'Améthyste* of Anatole France—with which he beguiled the return journey to the Cape.

Affairs in the Union, during the remainder of Merriman's life, are so fairly summarized in the concluding chapter of Professor Walker's book that a biographer may almost confine his narrative to the topics in which his subject took a special interest or played a conspicuous part. Among those he discussed during the ensuing Session were Land Settlement and Irrigation. The Minister (Fischer) had introduced a rather ambitious scheme, involving the expenditure of several millions. Merriman condemned the principle of compulsory expropriation and referred to his own experience since he had brought in the first Bill on the subject—before the establishment of responsible government—in 1870. He had a good deal to say on the subject of irrigation, and perhaps some of his audience may have felt inclined to invite him to " proceed to the deluge." He described the failure of various schemes, at the Cape and elsewhere, for aided

immigration. "They had tried every possible plan, but really they could not make an empty bag stand up, and, unless a man had energy and a certain amount of capital, there was not the slightest use placing him on the land . . . there was nothing so dangerous as a large scheme. . . . It was of no use talking of closer settlement until they saw they had a market for their produce . . . the country was being closely settled in the best way—by the individual enterprise of the people."

He referred to irrigation schemes which had been successfully organized at the Cape by local authorities or private owners—at Robertson, for instance, at Ceres and Stellenbosch, where the population had multiplied and large areas had been brought under cultivation. The great problem was that of the "poor white" class, who must be given a chance to work. They should continue to open up the country, with railways and irrigation, and, instead of the Government going into the market, it would be better to set up a non-political Board, like the Congested Land Board in Ireland, who would acquire land on much better terms. He proposed a good many amendments in Committee, when the Minister, who had had little experience of the cut-and-thrust of debate, found himself rather out of his depth, and Burton, who had more grip of the subject, had sometimes to lend him a helping hand. But when Burton, or Sauer, had to come to the rescue of their present colleagues against the attacks of their former chief, the humble musketeer was wont to exhibit an aggrieved air—as that of one who had been wounded in the house of his friends. Besides the question of Land Settlement, Merriman took a great part, as already mentioned, in the discussion of a closely connected Irrigation Bill. This was a matter which he had studied carefully, and he obtained the support of some of the farmers for several amendments.

Perhaps his greatest contribution to the work of the Session was his cordial co-operation with Smuts in the passage of his Defence Bill. He had not failed to observe the clouds on the

European horizon, and was emphatic in urging the obligation on the people of South Africa to defend their borders from aggression from without. For such defence something more than the old commando system was now required. He laid special stress on the military organization of Switzerland, which he thought a perfect model for a democratic army. The Swiss people submitted to great sacrifices and disabilities in order to keep that army in a state of efficiency ; they also paid much attention to the use of the rifle. The extraordinary mastery of the rifle by the Boers had been a great feature of the war " and every means must be taken to induce the people to become handy fellows with their guns. The safety of the country," he concluded, " was before everything else. . . . We must see that we discharged the responsibilities we had undertaken. . . . They were not going to save South Africa by an Act of Parliament. The spirit of the people was what they must rely upon and they must do everything to foster that spirit. . . . They had an arduous task before them, because there were many cross issues which would have to be thrashed out. He hoped they would succeed in their task. Such poor assistance as he could give would be cheerfully given because he desired nothing more than to see this country a self-defending and self-reliant country."

In the course of the Session a pleasant incident occurred, when Botha made a short speech, congratulating Merriman on his 71st birthday. He was followed by the leaders of the other parties. Merriman, now regarded as a sort of Nestor of the State, referring in his acknowledgment to the fact that it was also his 43rd birthday of parliamentary life, and to his friends on both sides of the House, expressed the hope that they would derive as much enjoyment from their work as he had.

Practically [he added] my whole life has been passed in Parliament ; it has been the great object of my life, and I am never so pleased as when I can think that this House follows the best traditions of the English Parliament, that is that we do not carry outside the House our little quarrels, that we carry on the English

traditions of purity of public life, and that, although we may exchange many hard knocks in the House, we all look to one thing, and that is making Parliament the true governing power in this country. I am like an old gladiator, who in the old times was always presented with a wooden sword. But the function of the old gladiators was to train up the young gladiators. If I can do anything it will be my greatest satisfaction at the end of my life to think that in some small degree I have contributed to forming the character of our Parliament. I owe much to those who, when I was a young man, were in Parliament, Mr. Porter, Sir John Molteno, Mr. Saul Solomon and others, who taught me and the young men of that day. I thank the House very much for the compliment it has paid me, of which I feel I am hardly worthy.

The half-century of Merriman's public life may indeed be regarded as the later portion of the golden age of parliamentary life—beginning with the first Reform Bill—when the old traditions of party government were maintained, when a political career was considered rather a pursuit than a profession, and the tyranny of the caucus, and the cupidity of democracy, had not yet assumed the dimensions of the present day. Merriman, in a letter to Steyn at the close of the Session, had made some reference to "the degradation of Parliament." Steyn replied that under party government and the caucus you could expect little else and, with his usual moderation, observed that the Constitution was still very young "and it might be better to give it a longer trial." He was anxious about the instability of the Ministry as indicated by the dispute between Hull and Sauer. He deprecated the publication of Walton's *Inner History* of the Convention as inconsistent with the understanding that no notes should be taken of the proceedings and rendering any such understanding valueless in the event of any future conclave.

In the following September Smuts in a confidential letter pressed Merriman to represent the Union on the Imperial Trade Commission. "I feel," he said, "it would not be fair either to South Africa or the Empire to have on this Inquiry, which is certain to have important results, anyone who has not the highest qualifications for the task. If you were to go

on we could feel safe as regards our responsibility in the matter." Merriman, as perhaps might have been anticipated, replied :

Thanks for your letter, the terms of which I greatly appreciate. If anything could make me think of embarking in such a galley it would be your appeal. The matter was mentioned to me a year ago by Harcourt and afterwards by Botha. . . . I then objected to the vagueness of the whole proposal. What it is to do, or what it is to find out, which has not been done far more accurately by private observers I do not know. . . . Whether it has any ulterior design in the direction of tariff reform I know not. If it has, then I venture to think that it will be a potent agency in the disruption of the connection with Great Britain. Such a mission would be beyond my powers and my inclination.

I remember having the pleasure of meeting this Commission in the following year, when sitting on the Court of Appeal at Bloemfontein. The Judges, when sitting there, had to find quarters at an hotel ; Merriman, who was fond of a dig at the Bench, described them as enjoying " the Capuan delights of Polley's Hotel." I fail to remember anything in the local hostelry which could be thus described ; and when accommodation had to be arranged, not only for the Judges and their staff, but for the simultaneous visit of a Royal Commission, I fancy the hotel-keeper, whether Mr. Polley or another, had some difficulty in meeting their requirements. I had the pleasure of exchanging impressions with the Chairman, Sir E. Vincent, now Lord d'Abernon. Any work which he undertook could not fail to be performed in a workmanlike manner ; but one can scarcely feel surprised that Merriman, with his economical views and his dislike of such " jim-jams " as inter-colonial preference, felt no inclination to take a seat in that particular galley.

To all concerned in the welfare of the Union 1913 was a year of many troubles and forebodings, for which, the position of Merriman being that of an anxious spectator, a passing glance must here suffice. The Ministry, to some extent weakened by the resignation of Hull, was now suffering from the growing estrangement between Botha and Hertzog.

The latter, who had some following in the Transvaal as well as in the Free State, had from the first taken up an extreme position with regard to the language question, and his attitude was understood to have contributed to the failure of his chief at his first election. He was very emphatic as to the use of Dutch as the vehicle of elementary education—a matter which, pending the Report of the Commission, might well have been left, as contemplated by the Convention, to the discretion of the provincial authorities. Botha's view was that the parent should be allowed to choose the medium of instruction. In this and other ways, Hertzog's Nationalism, scarcely distinguishable from Republicanism, alienated many of Botha's followers and led him to seek elsewhere for support.

A speech delivered by Botha, at the unveiling of the Rhodes Memorial at Groote Schuur, did nothing to improve the situation. Hertzog replied sharply to Unionist attacks, hinting that there was no room for Imperialism in South Africa, and enunciating his theory of the " two streams," which could scarcely be reconciled with any conception of the Union as a vehicle of harmonious co-operation between the English and the Dutch. One of Botha's colleagues from Natal resigned in protest ; while Sauer and Burton, on Merriman's suggestion, pressed Botha to obtain an undertaking from Hertzog not to ventilate his opinions on the status of the Union without previous consultation with the Cabinet, or at all events with the Prime Minister. No such undertaking could be obtained ; and in the end Botha, with the support of his other colleagues, decided to resign himself, and form a new Ministry, at the end of 1912, with a new Minister of Justice.

Meanwhile, the Government was confronted with economic difficulties, with racial troubles, and grave conflicts with labour on the Rand. Disturbances with the Indians, under the leadership of Gandhi, arose from laws preventing the immigration of Indians from Natal into the Transvaal. Gandhi himself was arrested while leading a procession of Indians by road into that province. A Commission was

appointed to investigate grievances, at which the Indian Government, which was opposed to further Indian immigration, and only sought to protect the rights of those already in the country, was represented by a high official. On the Report of this Commission an Indian Relief Act was passed, with Gandhi's concurrence, which it was hoped might settle this controversy. The hope proved a vain one. Another Commission had afterwards to be appointed, and it is only quite recently that, with the co-operation of an eminent representative of the Indian Government, a solution of the problem seems to have been attained.

With regard to the natives, the growing mortality among labourers in the mines caused much anxiety, and the Miners' Phthisis Act imposed a heavy burden on the owners. At the same time they were alarmed by the progress of syndicalism among the white workers, many of whom were now recruited from the " poor whites " on the farms, and the growing pretensions of the Trades Unions. A petty dispute in one of the mines in 1913, mishandled from the first, led to a violent outbreak, for the suppression of which it became necessary to invoke the assistance of the military. A judicial Commission was appointed, which found that the strikers had many grievances and laid down rules for dealing with similar disputes. The feeble and ineffective handling of these matters by the Minister forms the text of much of Merriman's correspondence with Sir D. Chaplin before the latter resigned his post on the Rand to take up his new office in Rhodesia.

What Merriman mostly feared was the acquiescence of the Government in the exaggerated claims of European labour for a monopoly of all remunerative positions, and the growing dissatisfaction of the natives with their exclusion from work which they had proved their competence to perform. In a letter to Chaplin (20th July, 1913) he writes :

> You are perfectly right in thinking that the two most serious features are the spread of anarchical doctrines to the Dutch and the degrading, vote-catching proclivities of certain politicians

masquerading behind a sort of gushing philanthropy which stops, however, at the white voter. Behind these two factors we have always the menace of the native problem—the true *workers*. For one is apt to forget that the Trades Federation is a union of overseers who grow fat on the ill-requited labour of those to whom they deny the most elementary right of citizenship, *i.e.* of rising to a higher scale. We may agree as to the dangers, but what is the remedy? The first thing that should be done is to call Parliament together to rally the forces of law and order and to pass measures for the maintenance of the elementary functions of government. The longer this is postponed, the stronger hold will the poison of syndicalism gain on the body politic and the more weak and ruinous will be the surrender of Government and the mischief of faction in bidding for the suffrages of Jack Cade and his followers. . . . Once alienate the natives and we shall lose the most powerful lever against syndicalism, which would be utterly ridiculous in this country if it were not for our edict against allowing the black man to exercise his natural abilities in his own way.

While engaged in this correspondence Merriman sustained a severe blow in the death of Sauer, who, harassed and overworked, succumbed in July to a brief illness at Pretoria. "He died," as Merriman writes to Mackarness (28th July):

as he would have chosen, with his harness on his back doing his duty. . . . You may imagine what the loss of a 35 years' comrade means to me, and how it brings back all the troublous days and the many stricken fields we have seen together. Few men had greater political courage or were more ready to stand in a small minority for truth and right. No one was a more firm friend of the poor and oppressed of every race and colour. . . . We buried him on Saturday—an enormous concourse and a really genuine feeling of respect and sorrow—selfish perhaps, for he is a terrible loss to the country at this juncture which is very serious.

Steyn writes to Merriman on the 29th:

Knowing what pain his death gave me I can fully realize what you must suffer now that a friendship of a lifetime has been severed by death. The last chat I had with Mr. Sauer was about you, and I remember with what reverence and love he spoke of you and how keenly he felt that you were not offered the position of Prime Minister. His last words were, "They have done a

grievous wrong to a good man and Nemesis will overtake them." It was indeed prophetic. Now that he has gone one feels what a large and important place he filled in South Africa. Who is to take that place ? In the present state of affairs, with the gloomiest outlook—for never was our future darker than now—his presence in the Government was indispensable.

After the sudden death in London in November—the result of an operation—of Sir Richard Solomon, Botha, in a very cordial letter, tried to persuade Merriman to succeed him as High Commissioner. He wrote :

My colleagues and I fully appreciate the position you have gained by your long and distinguished service to South Africa both in Parliament and as a leader of public opinion, and recognize that your own personal inclination may be rather in the direction of continued political activity than of the sphere to which I have referred. On the other hand, there is no one present to my mind who is more thoroughly fitted than yourself in every way to represent this country with advantage and distinction in the important diplomatic functions which nowadays fall to the lot of a representative of one of the Dominions in England. Your acceptance of this honourable office would, I am sure, be welcomed on all sides as constituting the very best arrangement that could be made for the benefit of South Africa in this connection. May I ask you therefore to consider the proposal I now make in the hope that you may find yourself able to fall in with the Government's wishes even if it entails a substantial personal sacrifice from some points of view. And in any case I trust you will receive my proposal in the spirit which animates its issue, viz. that of a desire to promote the best interests of our country in so important a branch of its national life.

Twenty years earlier Merriman would have been pleased with the offer. But he was now approaching his 73rd birthday, and he felt that the remainder of his days must be spent in the land he had made his own.

I am very sensible [he replied] of the generous terms in which your offer is couched which are indeed beyond my merits. Anxious as I am to be of some use to South Africa, I cannot, either on personal or public grounds, feel that I should be doing right to accept the proposal you put before me.

To break up my home at my time of life and to spend my last

years in an artificial atmosphere far from the country which I have learned to call my own and in whose affairs I take so deep an interest would be exile indeed, and without any of the compensating sense of power and authority which leads old men to discharge arduous duties in India and elsewhere. I doubt also whether, from a public point of view, I might not prove a square peg in a round hole and an eventual source of embarrassment to my masters on this side of the water ; but I will not enlarge on this side of the question. I feel that my duty lies in South Africa, and that perchance it may yet be given me to do some small service there before I go to the land " where all things are forgotten."

This was indeed a year of many losses. At the same period Merriman was writing to Steyn expressing his sympathy with him on the death of his old friend Fischer, formerly Prime Minister of the Free State and Minister of Lands in Botha's Government. Steyn, in the course of a long acknowledgment, adds : " I wonder whom they will appoint in the place of Sir R. Solomon. For I personally see no outstanding man amongst us who can take the place except one man whom we can hardly spare at present, viz. yourself."

CHAPTER XXIII

MERRIMAN DURING THE GREAT WAR

Merriman's attitude during the Great War—Occupation of German South-West Africa—Anti-British feeling in the Union—Views of Steyn—Merriman's correspondence with Ministers—His reprobation of harsh treatment of German colonists.

Our chronicle has now arrived at 1914, a year before which, as Lord Balfour once remarked, most people seem disposed to think that nothing happened which is now of much importance. Such a dichotomy may be regarded as one variety of the "Chthesophobia" of the day. The year began with gloomy prospects in the Union. General Hertzog was continuing the propagation of his theory of the "two streams," a theory sadly inconsistent, as Merriman felt, with the spirit of the Convention of which he had been a member. He had at his back practically the whole of the Free State and a large following in the Transvaal. At the Cape republican principles were advocated by influential ministers of the Dutch Church and Merriman found the same ideas rife among his young neighbours, the students of the Victoria College. The situation was aggravated by economic trouble. A strike on the coal mines in Natal was followed by another on the railways. The gold mines on the Rand took a hand and a general strike throughout the Union was proclaimed by the Federation of Trades. The Government was compelled to proclaim martial law and call out a strong commando of the newly organized defence force. The strike was then promptly repressed, but Smuts made a serious mistake by illegally deporting some of the ringleaders to England. Parliament was summoned, and a Bill of Indemnity was the first matter for consideration.

It so happened that at this time the writer arrived at the Cape. I had retired from the Bench, after more than thirty years of judicial service, in the previous year, but had scarcely settled down at home when I was invited to return to South Africa to preside over a Commission on higher education in the Union. I find from my diary that, on the following day, the members of the Commission were invited by Botha to lunch with him at the House, after which I heard part of the debate, including a long speech by Merriman, described in the diary as " in excellent form." This was the last occasion on which I heard him speak. While the Commission was sitting at the Cape I saw a good deal of the Merrimans, who were staying in the same hotel. Merriman was much interested in the work of the Commission, which had to report on the establishment of teaching Universities in the Union, and we had much conversation on that and other subjects. We presented our Report and I left for England just before the Great War began.

With regard to Merriman's attitude and action throughout the War, it may almost suffice to say that his support of the British cause was as wholehearted and sincere, when he believed in its righteousness, as had been his opposition when he deemed his country in the wrong. He felt too that, whatever might have been the case in 1910, in 1914 General Botha was emphatically the right man in the right place. His support and counsel were always at the disposal of Botha and Smuts. The burden they had to shoulder was indeed a heavy one. There was a large element among the Boers who had never really acquiesced in the loss of their independence and who felt that England's emergency might afford them an opportunity of regaining it. Strangely enough, they never seem to have realized that a German victory would necessarily imply German ascendency in South Africa, where the pressure of her little finger would soon prove heavier than that of the British lion.

The Government of the Union undertook full responsibility for its defence and forces were promptly mobilized for the

protection of the Cape Peninsula. It was not, however, till the *coup* organized by Fisher at the Admiralty, and carried out by Sturdee in the South Atlantic, which led to the destruction of the German Pacific squadron, that the risk of a coastal attack was eliminated. People at the Cape began to realize that the safety of the Union might depend on naval strategy in distant seas. Botha meanwhile had to cope with rebellious movements within the Union and attempts to combine with German forces advancing from the South-West. In the end, by brilliant strategy and forced marches, he was able to occupy the territory of the enemy, capture their wireless, and compel their troops to surrender. The loss of life was small and liberal terms were accorded to the defeated foe, which, as Botha remarked to Sir A. Bailey, would he knew be regarded as a satisfactory feature by Merriman.

The various operations in the war, waged in South Africa, have been summarized in Professor Walker's book and it would be beyond the scope of this work to dwell on the incidents and controversies of that melancholy period or to traverse fires still smouldering beneath a treacherous ash. Some of those who then took part in, or showed active sympathy with rebellion, have subsequently risen to high place, in the Cabinet or on the Bench ; others have been regarded since their death as national heroes. It would be regrettable for anything to appear in these pages irrelevant to our immediate subject and calculated to revive antagonisms or animosities better left to the healing hand of time.

So far as Merriman was concerned, he did his utmost to deprecate and preclude the revival of racial feeling. Shortly after the outbreak of war, we find him writing to Steyn, expressing his astonishment at the depth of anti-British feeling and, " what was more extraordinary, the pro-German feeling that seems to be widespread."

> Much harm [he added] is being done by resolutions of neutrality and of " passive resistance." Resistance to what ? The law ? I deplore it more than I can tell you, for behind it all I see the

deep, rancorous, and unforgetting hostility to all things English that will yet work untold woe to South Africa. I must own that I misjudged Botha. I was wrong, he has sacrificed what would have been an easy road to popularity, and he has done his duty in a way that compels one's admiration. Yet still division in our counsels reigns supreme. You are perhaps the one man that can close the wound, who can give advice that may stay the hand of those who are sowing dissension. It would be a monument of true patriotism were you to come forward as *pater patriae* at this supreme moment.

To this appeal Steyn made a reply which Merriman describes as " querulous." On the disruption of Botha's Cabinet, Steyn had strongly supported Hertzog and it is scarcely surprising that Botha's action during the new crisis did nothing to change his attitude. Shortly afterwards Merriman received from Smuts a copy of telegrams exchanged with Steyn, which produced the same impression. This was the more regrettable in view of the statesmanlike spirit which Steyn had displayed during the Convention and the moderating influence which he had subsequently exercised on more than one occasion. In the evil days which elapsed between the beginning of the War and the death, in 1916, of the ex-President, there was no further correspondence between Schoongezicht and Onze Rust.

On the whole, in these circumstances, I thought it advisable to procure a copy of Steyn's letter. After a careful study of its tenor, I must say that I do not altogether agree with Merriman's description of its character. After thanking Merriman for his letters, he begins by bewailing the terrible spectacle presented by the War and the attitude and language of men in Europe. He expresses his regret that the carnage should extend to our own doors—" Can you wonder that, being ill, I remain quiet ? " He reminds Merriman that he had always been in favour of equipping the people for the defence of the country, while opposed to any war of aggression. He was glad that Botha and Smuts had made no attempt to commandeer and felt no doubt that " they will get

sufficient volunteers to do the work, which is not beyond our power if properly carried out. My own position," he adds, " is rather difficult. I cannot go about among the people, nor can I address them—I can only use my influence in a quiet but I hope effective way and not discount it before it is required by writing to the press." As to the causes of the War, in the rigid censorship of the cable and the press, they must be left to the judgment of history. He had great sympathy with Belgium, and warmly supported Merriman's proposals for finding a place for Belgian refugees in South Africa, where their advent might prove mutually beneficial.

In view of the difficult position of the writer, the letter seems reasonable enough, and not inconsistent with the moderate attitude displayed by Steyn since the peace of 1902. It was also quite natural that Merriman should think there was no advantage in continuing the correspondence ; but on the death of Steyn he wrote a letter to Lord Buxton, the Governor-General, which seems worth citation :

> I have corresponded with Steyn from 1897, when he was greatly concerned with the poor white problem, and he used to consult me. Then came the Boer War, into which he was reluctantly pushed. He gave up position, health and everything dear to him for the sake of his country. He was a type of the true Batavian patriot, dour and dogged. The last letter I received from him, just after we landed in 1914, convinced me that he would not use his influence on our side and rather than quarrel I ceased writing. But I always think that he was used by the band of political intriguers who desire to uproot the British connection without being able to control them.

To Lady Courtney he wrote in even warmer terms ; Mrs. Steyn and the family were much touched by his letter of condolence.

At this season Merriman was a frequent correspondent of the Ministers. In November he wrote at length to Smuts, expressing his disappointment with the attitude of Steyn and urging stronger steps against the promoters of rebellion than the Government, knowing the atmosphere of the inland

states, seemed to think expedient. On the eve of Christmas, in acknowledgment of a reply from Smuts, he suggests a rest cure at Schoongezicht, observing that "apart from everything else, your presence at Stellenbosch, which is in a sense a focus, might be very beneficial." He approved of the execution of Fourie and did not "like to contemplate the possibility of [the effect of] a Hertzog-Labour combination upon the future of South Africa in its relations with Great Britain."

"The future dealing with rebels," he observes, "is an awkward matter. You cannot frame an indictment against a whole people, otherwise the Free State would stand a poor chance. . . . Punish the ringleaders, who have misled the mass, and indict the rank and file for common-law offences. Nothing touches up the ordinary man on the veld, who used to consider himself a law-abiding soul, so much as to find that he has been guilty of some vulgar offence that brings him within the meshes of the ordinary law. He loses the sympathy which political martyrdom brings from ill-regulated minds." He concludes with some suggestions for coping with the grave financial situation.

"(1) You can never get your finances in order as long as you have four open taps in the shape of the provincial treasuries draining the Treasury vat.

"(2) Unless you have some rigid financial control over departments like Public Works, Education, Agriculture, you may just as well resign yourself to bankruptcy.

"(3) The doubling of the departments of Finance and Defence is fatal to any sound conduct of the first.

"(4) Keep your thumb on the expenditure and the revenue will look out for itself."

On 26th December he replies to a letter from Botha, ending with saying that "times are dark, but we must hope that the goats will separate from the sheep and that the latter will form one flock. To wish you a happy New Year seems a mockery, but I hope that the coming one may bring you some reward for all your distasteful labours." And so, measuring our fortunes and adventures by the calendar, as

we needs must do, we come to the end of that melancholy year—*illum longum et unum annum*—in which the War began.

At this time Merriman, freely criticizing others, found himself the target for attack from various quarters. Old friends complained that in his old age he had become a Jingo; others assailed him for his support of Botha, whose policy, he was reminded, he had constantly attacked ; while in the past he had been denounced as " pro-Boer," he now found himself under suspicion as " pro-German." As a matter of fact, when the internment of " enemy aliens " began, Merriman was urged by many German colonists to plead their cause with the Government.

He was particularly concerned with the treatment of Brother Nivard, who had done such excellent work at the Trappist settlement in Natal, which he had visited in former years, and in the case of the German emigrants, or their descendants, who had settled in Kaffraria during his first Ministry. He also received personal appeals from two of the settlers, whom he had himself, when Commissioner, established on the Cape flats, where their industry had converted a barren waste into a sort of nursery garden for the Cape Peninsula. One of these men had been interned at Maritzburg during the War. With reference to such cases he wrote at length, in June 1915, to Smuts, in a letter which seems to demand rather full citation.

You are [he writes], I am quite sure, not better pleased than other people at getting advice from candid onlookers. I shall nevertheless take the privilege of our old friendship to bring several matters to your notice upon which I feel I should not be doing my duty if I kept silence. First of all, the Germans. Scarcely a day passes without my getting a letter from some one or other of those who find themselves designated as " alien enemies " through no fault of their own. Some of these letters are pathetic in their stories of distress ; some are of a kind that one can scarcely read without a feeling of shame. I will just mention two of the latter kind.

One, the Mayor of Kimberley, Mr. O., who is in every respect entitled to be called an Englishman, save for his name, a most

useful citizen, a loyal subject with his relatives fighting in our army in Flanders, who at the beginning of the war was largely instrumental at Kimberley in raising a regiment for service at the Front ; this poor man has had to resign his public appointments, which he feels keenly ; he has had his house molested and has to live in a town, in which he has done nothing but good, under police protection. As he pathetically observes, he is not even able to go either to Durban or elsewhere for fear the hotels may, at the dictation of the mob, refuse to receive him. Another, a Mr. W., born out here, never in Germany, educated as an English Colonist and to all intents and purposes a good South African, has his house gutted and the contents burned, his family insulted and obliged to flee for safety, practically ruined and now living on a small farm in what is *his* country because the mob choose to call him a German.

Many other cases in which people I personally have been the means of bringing out to this country as immigrants, who have been uniformly well-behaved and most useful citizens, are threatened with internment, and in some cases, actually interned without even any provision being made for their wives and families. All this is distressing in the extreme ; it can do no possible good to the course of the War, it will leave behind it a lasting seed of bitterness and hostility to our rule, which in view of the probable annexation of German S.W. must be an added danger in the future ; and it is now, and will be hereafter, used as another stick to beat the Administration with, a contrast being made between the treatment meted out to these harmless folk and the sentences given by sympathetic magistrates to the ruffians who committed arson and robbery at the expense of innocent people.

I am not what is called a pro-German in the sense of having the smallest sympathy with the German cause in the War, but I write all this to you because I feel that so far from furthering the great end that we all have at heart of crushing the military despotism of Prussia, we are by these feeble imitations of their brutality doing the best we can to defeat our own purpose. They are " methods of barbarism " just as much as those which I joined in denouncing 14 years ago when it was equally unpopular to intervene. In saying this do not think that I do not realize all your difficulties or that I am insensible to the kindness and courtesy shown by Sir Thomas Watt in dealing with cases brought before him, but at the same time something more is wanted and it should not be left to the kindness and assiduity of an individual Minister to deal out common justice. It is not fair either to him or to those who have to vindicate their rights as citizens.

Would it be wrong if I suggest that you go at least as far as Mr. Asquith and that you appoint one or more impartial tribunals to which those who are so unfortunate as to have German names might appeal ? The case is stronger here than in England. Here there is, except in very rare cases, no possibility of danger. In England the danger is imminent. Here the Germans have, in many cases, been actually brought here and settled by the Government of the Country. They are, in nearly every case, industrious and law-abiding citizens. Yet here people are whipped off without appeal, while in England the sense of justice has ordained that arbitrary action, even under circumstances of the gravest public danger, should not be taken unchecked by some show of trial. Here too the wretched families are left to the tender mercies of their friends. In England there is some sort of provision made against actual starvation.

Do, my dear Smuts, take this matter into your immediate personal attention. You do not, I am sure, realize the harm that is being done, how every case is being utilized by the political enemies of your Administration to sow the seeds of strife and to find ammunition to fire at the Government. Not that this is the ground for my appeal to you. *Faites le droit advienne que pourra* is rather the invocation I should use. You, if any man, should know the sort of crop that is reaped from the " Concentration " methods and should be slow to use them except in cases of extreme necessity. You know as well as I do the value of the judgments passed by the Mob upon those who come under the shadow of their prejudice. Those judgments are always the same and nearly always wrong. Do let us try to be " in the right with two or three."

His sentiments being such as indicated in the above letter to Smuts, it seems curious that, in the following month, his co-operation should have been invited in the proposals of an association formed to take drastic measures against the supposed " German peril." He replied :

I am sorry that I am unable to join your Association, and I will endeavour to set down briefly some of the reasons for my inability to do so. You will, I hope, not misunderstand me when I say that if you deliberately set to work to do harm to the British cause both in this country and *elsewhere*, you could not adopt any measures more calculated to succeed than the sort of action you suggest in the printed enclosure headed " The German Peril." The pro-

posal to confiscate all German property seems to me to be singularly futile. As you know, England has incomparably more money and interests in Germany and other foreign countries than they have in Great Britain. If you proceed on the plan of confiscation, reprisals will be easy, and undoubtedly far more profitable for our enemies than ourselves. You would also hold out an inducement to any impecunious country that happens to owe England money (and what country does not?) to join her enemies or to pick a quarrel in order to avail herself of the new way to pay old debts. Down to the 4th August, 1914, Germany was our best customer, and when this hideous calamity is over and she recovers her sanity, it would be a profound misfortune if we, by any violent action, should render a resumption of friendly relations impossible.

It is also proposed to seize all Germans, to confiscate their property, and either to imprison them or send them out of the country. It would be impossible to do a more barbarous or a more unjust thing. There are many thousands of Germans in South Africa, many, perhaps most, were brought here by the Government as immigrants, and since their coming, now more than fifty years ago, they have been the most industrious and the best and most orderly citizens. They have fought in our wars and done good service. It would be at once impracticable and impolitic to treat these people as enemies simply because their country of origin, which they left two generations ago, happens to be at war with England through no fault or consent of theirs.

Apart, however, from the prospect of material loss and from the utterly impracticable nature of the measures proposed, there are far deeper reasons why their adoption should be repulsive to every true Englishman. It is our proud boast that we are more chivalrous than our opponents, and that we adhere to the laws of war laid down by the rules of civilization. We treat our prisoners with humanity. We can afford to smile at the ridiculous and maniacal outburst of jealous hatred embodied in the "God Strafe England" of our opponents. Why in Heaven's name should you want to drag us down to their level, and to try and imitate their odious barbarism? . . .

Fight our enemies to a finish and let it be a real finish. Punish the guilty to the uttermost when you have proved them guilty either of espionage or of stirring up disorder, aiding the enemy or any other crime, but never let it be said that Englishmen, who have such high ideals, should lower themselves by robbing those who have trusted them, or by taking a cheap revenge

on innocent people whom we are bound to protect. Such action will do us nothing but harm. It will not shorten the war one minute, and it will inflict a dark stain on our national character, adding thereby to the many complications and burdens that rest upon our country. " As a man soweth so shall he also reap," and if we, in a moment of excitement, are led away into unjust and violent actions, be assured that we shall reap the bitter reward to our own undoing.

CHAPTER XXIV

RELATIONS BETWEEN GREAT BRITAIN AND THE DOMINIONS

Parliament of 1915—Merriman returned for Stellenbosch—Position of poor whites—Merriman's views as to future relations between Great Britain and self-governing dominions—A letter to *Cape Times*—Correspondence with Basil Williams, Sir D. Chaplin and Lord Bryce—Native Affairs—Letter to Scully.

The first Parliament of the Union had now run its course and Merriman had to make his preparations for the ensuing election. First elected for Victoria West by a great majority at a by-election in 1904, he had been returned unopposed at the election in 1908 of the last Cape Parliament and, in 1910, of the first Parliament of the Union. Had he now sought re-election he would presumably have been successful. But he was now in his 75th year, and it was felt to be inadvisable that he should again undertake the fatiguing journeys requisite to keep in touch with the scattered settlements in that far-flung and sparsely populated division. He had received a communication from one of the local branches of the District Bestuur of his party to that effect. Writing in May to the Chairman at Victoria, after expressing his thanks for the kindness and confidence he had received, he went on to say :

I do not wish to retire from public life, and I am vain enough to believe that, in the present state of the country, age and experience are qualifications which may still be of some use in our affairs.

I have not to the best of my knowledge in any way deviated from the principles that I professed when you did me the honour to elect me in 1904.

Naturally as time goes on, other questions come up for settlement, and the great change that has taken place in our political conditions through the Union of South Africa, has multiplied those which call for solution.

One vital and capital matter will have to be settled at the polls —which may be summed up in the one stream or the two streams policy—are we to continue to hold principles on which the South African Party was formed of a gradual and solid Union between the two European races in South Africa on a basis of perfect equality in every respect, or are we to aim at the perpetuation of differences and divisions that will keep up an irritating dissension, leading up to our common ruin.

I am, as I have always been, a one stream man—believing in my heart that the whole future of South Africa is bound up in the union of the Dutch and English-speaking races, not merely as a complimentary expression to be used for show, but as a practical rule of conduct both in our actions and our hearts.

In a later letter, on 18th June, replying to one from the Chairman, enclosing a resolution from the Bestuur, he says :

I wish to make my position quite clear. Some time ago I came to the conclusion that my age had rendered travelling over so extended an area as the Electoral Division of Victoria West somewhat beyond my powers, and indeed one of your branches had already been good enough to direct my attention to the fact.

I felt that despite all the kindness and tolerance that had been uniformly shown me by my constituents, I was not in a position to discharge my duty towards them by becoming as personally acquainted with their interests as it behoved me to be, and that for these reasons it would be better for me to retire from the position of a candidate for the division, and to make way for some person who should be more thoroughly *en rapport* with their interests.

I wished also, before anything, to do everything possible to testify my feelings of gratitude for the support given to me in 1904, in 1908, and again in 1910, by the electors of Victoria West and to express my deep sense of the kindness and tolerance that has uniformly been displayed towards me.

He goes on to say that, at the last election, he had been approached by an influential deputation from Stellenbosch, requesting him to stand for that division. He had then declined, partly because he thought that Victoria had the first claim on his services, partly on account of his relations with the sitting member, Mr. Marais, since deceased. In

1914 he had been approached by Marais, who had always been a strong supporter of Botha ; Marais had informed him of his intention to retire from Parliament and urged him to take his place. Later in the year, on his return from England, he was surprised to find that Marais had changed his views ; he was now opposed to Botha and was setting on foot an active campaign for re-election. Merriman had then come to the conclusion that he ought to accede to the wishes of his local friends and allow himself to be nominated for Stellenbosch.

There is yet another letter, addressed on 20th July from Schoongezicht to the Bestuur at Victoria, for which space should perhaps be found.

I wish that I deserved half the good things you say of me. I am conscious of many shortcomings but I can honestly say that I have done my best to promote the union and co-operation of the two European races, and to obliterate as far as possible the top dog spirit which, whether it comes from one side or the other, is equally objectionable. Both the English and the Dutch have many good qualities and some failings—very similar on each side. It would be odd if they were not alike as both races are first cousins by descent and more nearly akin than any two European peoples. If people would only remember this, and instead of harping on the disagreeable failings of each other, would only remember the good qualities and the good actions of each, how much happier we should be !

Those who preach the doctrines of strife and disunion in this country are doing the Devil's work, however they may wrap up their meaning in high-sounding phrases.

Some of the fruits we have reaped during the past year, in the misery and distress arising out of the mutiny and rebellion ; should the same policy of racial bitterness be followed, we can look for nothing but ruin. " Eendragt makt magt " is a fine motto, but if three-fifths of the population are to be ranged in deadly conflict against the other two-fifths, what can we expect to follow ?

I trust that you will pardon me for making these remarks. It is perhaps the last time that I shall address you as your member, and I am so interested in the future welfare of those with whom I have been so long and so pleasantly connected, that I feel bound to utter a solemn warning.

Merriman was now committed to the campaign for Stellenbosch, always a critical constituency, associated in the past with the political career of Hofmeyr and afterwards with that of Sivewright. There had been some sharp struggles in those days, but none sharper than that which now ensued. A relative of the former member was backed by all the wealth and influence of the Marais connection, which was very considerable. The late member had made a bequest of, I think, £100,000 towards the establishment of the proposed new University of Stellenbosch. The contest, as Merriman confides to his diary, was between brains and money, and, in a hard-fought election, was followed with interest throughout the Union. There were some unpleasant incidents, as when, at a meeting at Kuil's River, the legs of Merriman's chair on the platform were sawn through. The polling took place on 20th October ; and when it was ascertained that brains had carried the day, by a majority of nearly two to one, the result was generally acclaimed. For the remainder of his parliamentary career, he continued to represent the division in which he had made his home.[1]

It should perhaps here be mentioned that it was in the same year that Merriman, together with Botha and Smuts, received an honorary degree from the Cape University. A photograph of the new Doctors of Law, grouped in their academical robes, appears in Engelenburg's *Life of Botha*. One of them, himself a lawyer, was now a successful general ; the second, a farmer by calling, had become a general of even greater eminence ; the third, a layman, had never shown any predilection for "old father antic" and all his tribe.

Before the end of the year we find Merriman writing (December, 1915) at some length to Smuts on the problem of the "poor whites." The increase in the number of indigent persons of European race was, he felt, a growing menace to the healthy development of the Union. The class thus

[1] In 1920 he was returned by a very similar majority ; on the next dissolution, in the following year, he was elected unopposed.

described may be said to have originated in the custom among the Boers of dividing their farms among their children. They were a prolific race and there was not enough land to go round. In many districts, owing to frequent droughts and the poverty of the soil, there was little scope for cultivation, while pastoral farming required the possession of many morgen. Some of the landless folk became " bijwohners," doing odd jobs for a precarious subsistence on the farms of relatives ; others became overseers in the mines ; for some, no work seemed to be available, and others made little effort to obtain it. All such persons, it will be remembered, in the Transvaal and the Free State, had their electoral qualification under manhood suffrage.

Merriman describes the position as " threatening the very foundations of our national existence." While admitting that there was " no off-hand solution," he urged the necessity for action " from every point of view, economical, social, political and national." As a preliminary step, " in order to arrive at some idea of the magnitude and nature of the disease, with which we must deal at once if we are to prevent a great national crisis," he suggested that the Resident Magistrate in each district should be instructed to enlist the co-operation of local bodies, of the doctors and clergy, of school inspectors and superintendents of police, with a view of submitting as promptly as possible a complete report of the local situation. Certain areas, some of which he mentioned, might be selected for special reports by persons on whose judgment the Government could place reliance. By such methods he thought that valuable data might be procured before the meeting of Parliament, when some action might be taken. " To me," he concludes, " the question seems to be bound up with the whole future of our race in this country and any Government which deals with it in a sensible and statesmanlike way will deserve well of the country." I know not whether this suggestion was adopted. Smuts was then much pre-occupied with his expedition to German East Africa. Much, it is to be feared, still remains to be done to

check the spread of this distressing element throughout the Union.

Merriman at this time gave his active support to Botha, who wrote to thank him for his friendly counsel ; he received a similar letter from Smuts, who had now taken over the command in German East. At this time feeling ran so high that a movement was organized to oppose the re-election of Merriman, and two of his colleagues who shared his views, on the Board of his Insurance Company. The members, however, resented this attempt to drag politics into business and the old Directors were returned with a substantial majority.

About this time, in consequence of a speech he had made on the Enemy Trading Bill, Merriman received a letter from a correspondent in the Transvaal, who suggested that, had it not been for his action in the eighties in handing over the South-West to Germany, there would have been no occasion for the campaign and loss of life in that territory, an imputation which he naturally resented. " A most elementary study of public documents," he writes, " and of the history of 1883-4, when the question arose, would have told you that I never ceased to protest against that step, and did my best to prevent it. My Minute as Acting Prime Minister, Nov. '83, is printed and on record, and if my private correspondence is ever published it will be seen how much more forcibly I then pointed out the exact evils that have arisen from that step. In consequence of these protests I got my Prime Minister so far as to say that he would agree to our assuming the responsibility, if I got any sort of representation from the Capetown Chamber of Commerce in favour of such step. I was informed by the Chairman of that body that the trade was worth little, and that we should get it whoever occupied the country." Unfortunately it appears that, although the consent of the Chamber was afterwards obtained, the Cape Ministry failed to take advantage of the opportunity which they still enjoyed of giving the assurance on the subject which the Colonial Office required.

At this stage of the War, when all the Dominions were playing such a valiant part in the internecine struggle, men were already beginning to discuss the future relations of the component units of the British Empire. It may be remembered that, some thirty years before, at the celebration of the Queen's Jubilee, Merriman had written me a letter attacking my suggestion of a contribution to the proposed Imperial Institute. The very word " imperial " was always to him something of a red rag ; " how long," he then wrote, " do you suppose Great Britain will exercise ' imperial ' rights over self-governing Colonies ? " Like many British statesmen of that day, he seems to have contemplated a gradual severance of the branches from the parent tree.

He now thought that some form of Union under the British Crown might with advantage be maintained, provided that full autonomy, both political and economical, were recognized as an attribute of the self-governing communities beyond the seas. It was at this period that Mr. Lionel Curtis, among his multifarious activities, published a book in which he advocated some form of closer union. He seems to have suggested something in the nature of an Imperial Zollverein and the constitution of a representative body, empowered to levy contributions from the various units for common purposes. His proposals were discussed at length in three articles in the *Cape Times*, which the editor (Sir M. Park) sent to Merriman for the favour of his views. Merriman's reply is so interesting and characteristic that it seems to demand citation in abbreviated form. He writes to Sir Maitland (14th July, 1916) :

I am very much indebted to you for sending me those most useful articles on Lionel Curtis' book, and for asking me to give my opinion on them. Not having had the advantage of reading the work upon which they are founded it is difficult for me to follow the lines taken by Curtis ; but, speaking generally, I think that what you have said is very sound and to the point. To open for discussion what Burke called the *arcana imperii* is certainly premature and it may be very mischievous. Many people, no doubt, who think about the subject are inclined with Curtis to

look forward to the closer union of what is somewhat oddly called " the British Empire," and hope that the self-governing Dominions may be formed into a commonwealth with a written constitution. Others again view the scheme as visionary and impracticable, holding the opinion of Turgot, and thanking God for that bond of sentiment which unites us now, and praying that the time may be distant when the natural separation must take place in the vicissitudes of Time. The confusion and disruption of old landmarks caused by the War have brought matters into the dangerous stage, when people who have never devoted much study to the matter, go about saying that " something must be done," forgetful of Lord Melbourne's question, " Can't you let it alone ? "

The sacrifices made by the self-governing Dominions have raised a very commendable sentiment in favour of closer union of some kind upon definite and prescribed lines. But what kind ? and what lines ?

You have very properly pointed out in your criticism of Curtis's book the almost insuperable difficulties that arise when we come to consider the amount and the mode of collection of the prescribed contributions to the Central Power from the various units who have their own hostile tariffs framed with the object of shutting out the manufactures of each other, including Great Britain. You also appreciate the difficulty of framing some altruistic scheme that would overcome this obstacle.

The lesson of the eighteenth century, when the exuberant sentiment of gratitude that followed the Peace of Paris, and marked the colonial sense of the sacrifices made on their behalf by Great Britain in the Seven Years' War, was so speedily changed into impatience and hostility owing largely to the attempt at providing some common scheme of defence supported by taxation, and to the friction due to trade restrictions. . . . I see no reason for believing that in the twentieth century any union that would be based on similar objects would have any happier result, or that such an union would be anything but an avenue leading up to ultimate disruption.

It is true that in our days the self-governing dominions have far more power and greater liberties. They would deal with the central power on more equal terms, but that would scarcely make the prospect of a lasting bargain any easier or less liable to friction. It would, as you very properly observe, be an almost impossible achievement to get any community that has once been entrusted with the right of taxation willingly to surrender that right to some assembly upon which it would merely have a small, and possibly

a very small, minority representation. . . . Only those who have no knowledge of the resentment that colonists feel at even the best intentioned interference with their affairs, or the irritation that is created by even the most moderate criticism at the hands of outsiders, would feel very enthusiastic over the notion of a distant assembly possessing the right of taxation. Disruption would be a weapon in the hands of every patriot with an ambition or a grievance.

In addition to these difficulties that you have enumerated there are others, even more grave, because they are founded on nature, and not susceptible to logical or arithmetical settlement. What is to be the position of the Empire of India in the Assembly, or Council, or Parliament of the future? Is she to have a standing and position equal to her trade, her population, or her importance? In that case you may at once dismiss the idea of any acceptance of the scheme by those brisk and enthusiastic citizens who steadily decline to admit the Indian to their territories, and who do not hesitate, when occasion arises, to manifest their dislike of his presence, in utter disregard of the reflex effect of their action upon Great Britain, with all her written obligations. In a smaller degree the same remarks apply to British Malaya, Nigeria and other tropical or semi-tropical dependencies. Or is it proposed to hand these territories over to the imperial care of an assembly that would have the power of common taxation for joint defence while it directed the policy of the Commonwealth? It would not be easy to explain the position to the victims of that experiment.

Nor have you, I think, sufficiently considered the great and growing difficulty of getting the citizens of the several Dominions to unite in any sort of common assembly. At present every Dominion is anxious to get the better of its neighbour. Whatever may be their feeling towards Great Britain they have none whatever for each other. Nor is this amiable feeling of jealousy likely to be put an end to by a cash nexus, or by any sort of common tariff arrangements. We have had, as you know, on a small scale, a most instructive experience in the way that our Australian cousins have displayed their brotherly love in the question of oats and dynamite. A small matter you will say, but how suggestive of the condition of affairs that would inevitably arise were the whole British Realm to be involved in the web of some ingenious tariff in which the taxpayers in the Dominions would play the shuttle in the hands of the Tariff Reformers and the various Trusts and interests that stand behind them.

Sufficient allowance is not made for the growing divergence

that is brought about between the different Dominions owing to geographical position, climate and population. Canada is and must be influenced by her gigantic neighbour, and Canadians have a climate quite unlike Australia and New Zealand or South Africa. If I may be allowed to quote some passages from a letter that I addressed to the Empire League in 1905, each of these communities is setting up a national type of its own, unlike that of Great Britain, still more unlike each other. The best example of this divergence are, perhaps, the Dutch South Africans, who after 300 years, except in language, have little in common with the Hollander of to-day, and indeed in many respects, in their love of sport and of outdoor pursuits, they approximate more closely to the English yeoman. . . .

We are apt to put on one side, in discussing this question of a closer union, the position of Great Britain itself, ignoring the fact that everything that the world owes to the Anglo-Saxon race, all that it has brought to the common stock in the shape of ideas, law, tradition, history and literature springs from Great Britain, and that if by some convulsion of nature all her Dominions were to disappear to-morrow with all their material progress, neither the world of ideas, literature, art, nor all that goes to make up what we know as civilization would be one whit the poorer. In these respects it is Great Britain alone that counts.

It may even be possible that a union like that projected, even if it added to her material, would certainly insensibly detract from her spiritual greatness. It might well happen that in the absence of any rigid union the world would be the richer by the evolution of independent nations, who might develop the best ideals of the English race on original lines and create improved varieties of the ancient stock. This indeed was the idea with which the gift of free constitutions, which has on the whole worked well, was launched by the statesmen of the early Victorian era. Imperialism is a comparatively recent notion and sprang from a very different brain.

But these thoughts lead us far from the question immediately at issue. How are we, after this terrible convulsion, to secure a status under which each of the several self-governing Dominions may develop its own national existence with as little friction as may be. Granting that a common tariff is impossible, and that taxation imposed by some body analogous to the Bundesrath would not have the smallest chance of finding acceptance in Dominion Parliaments, is there no other form of pact by which the maintenance of the spirit of connection, and of mutual assistance between Great Britain and her offspring, may be regularized

and strengthened without the imposition of a rigid bond that will of a certainty create friction? The answer to this will tax all the statecraft at our command.

That the peace of the world as far as regards Great Britain and her dependencies will depend on the maintenance of a strong British navy seems beyond question. Recent events have brought home even to the most indifferent that our prosperity and even our very existence depends upon sea power. That is the only means of securing our national evolution. It stands between us and absorption by some stronger power. We owe our protection to the British taxpayer and by way of acknowledgment we tax his productions. Now the conclusion of the War, however brilliantly it may end, will find the British taxpayer in a very bad way indeed. It is inconceivable that his Colonial Brother with all his lofty professions—and they are very lofty—is going to accept from his embarrassed relation the eleemosynary protection that alone enables him to indulge his aspirations of national growth. Some way of regularizing this vital question and of putting it on a business footing will have to be found, whether by free grants or by some scheme of insurance in proportion to trade. Otherwise we shall all cut a somewhat sorry figure. As to whether it will be either to our advantage or to that of Great Britain if we agree to set up a Bundesrath in which the Dominions would play the part of the minor German States, it will be well to count carefully the cost before building that edifice.

After all, if the Dominions do abandon the somewhat marsupial existence that they have been leading for the past generation or two, they will only be fulfilling the aspirations of their creators, who were content to look on " the Mother of Free Nations " as the proudest title in Great Britain's roll of glory.

The publication of this letter met with "a chorus of approval, including a letter from Botha." Merriman enclosed a cutting in a long letter which, writing from Schoongezicht, he sent to Basil Williams in the following month. In this letter he made some shrewd reflections on the relations of Great Britain with her allies, and with the Dominions, which might be anticipated after the War was over. Referring to a recent visit by Williams to France, he says : " What a people they have shown themselves to be ! But I gather from the Frenchmen I meet and from the books I read that they are

not exactly enamoured of the English—except officially. They think, no doubt, that we regard ourselves as the chief performers and somewhat ignore the other allies ; and they are very sore at Hughes directing the course of the universe in economic matters."

Something perhaps may here be added as to the attitude of the French both during and since the War. The fact that nothing prevented the German invaders from dictating a peace at Paris, at the beginning of the War, but the expeditionary force which the vision of Haldane enabled us to send across the Channel in her hour of need ; and the further fact that when, after the fiasco of Nivelle on the Chemin des Dames, the *moral* of the French forces for a time collapsed, it was only by the iron determination of Haig that the trench line was held, seems to have escaped the memory of many of the French. They are now a great and powerful nation, with the largest army and air force in the world. They are also a very rich country, with no unemployed, and with immense industrial resources, largely developed at our expense ; [1] and their attitude towards the whole question of reparations, and that of the occupation of the Rhineland by foreign troops, seems difficult to reconcile with " the spirit of Locarno." It is irksome to one who has always been an admirer of France, her people and her literature, to make any reflections of this nature ; but one cannot ignore the fact that France, with her vast resources and her far-spread *entente*, is acquiring a position of dominance which is not without its dangers to the prospects of peace and harmony.

What specially impressed Merriman was the feeling engendered by the fiscal propaganda of Australian politicians, like Fisher and Hughes. " It only shows you," he continues, " what a *very* difficult time we are going to have after the war, between Labour, Trade, Tariff Reformers and colonial

[1] See an article on " The prosperity of France ; a modern trade romance," based on a " Report on the Economic Conditions of France in 1928," by Mr. Cahill, Commercial Councillor at the British Embassy, which appeared in *The Times* of 29th November, 1928.

statesmen, who have got a pretty bad attack of megalomania.[1] I see that excellent chap Curtis has been trying his hand at constitution making. Our South African patriots are of course sounding the alarm, with the view of grinding their own miserable axe. After which remark let me confess that I have also favoured the press with my own ideas on the subject, which I enclose for your edification." After referring to the political situation and the balance of voting power, he proceeds :

This sort of political arithmetic is not over-cheering. Still it is no use pretending, as your people seem to do, that the Dutch are not intensely anti-British ; the tragic events of the Boer War are engraven on their hearts, which are of a singularly retentive material. In many respects we have retrograded since Union. You will recollect the grave doubts that I expressed to you an hour after signing the Convention Report ? Our troubles are all before us and they will be very grave. . . . We are back in Boeotia, as you will see from the heading. Cold, rainy and unpleasant—when one gets old one longs for spring and summer more than ever. Still, we are both well and were it not for the war we should be happy, but for the horrible obsession and the dread of what may come after it is all over.

A few months afterwards (19th January, 1917) he recurs to the same topics and discusses the future relations, the status and functions of Great Britain and the other units of the British Commonwealth, in a long letter to Sir Drummond Chaplin, a frequent correspondent in recent years, who was now Administrator of Southern Rhodesia. This letter is so suggestive, and anticipates so closely many of the subjects of discussion between the British Government and the Dominions up to the Conference ten years later, when the claims of the representatives of both Canada and South Africa were adjusted by the Memorandum drafted by Lord Balfour, that it seems to demand a very full citation. He says :

I do not know any subject that occupies my thoughts more constantly than the one your letter deals with. It has done so for

[1] Mr. Hughes has recently published a narrative of his exploits at Paris. *The Splendid Adventure*, London, 1929.

a very long time. I was at the first meeting of the Imperial Federation League when it was started by W. E. Forster in 1884. I recollect getting into hot water at the same meeting for wanting to know some details of the proposal and getting for reply that what was really required at that stage was sentiment ! As far as I can see, since that date, now 33 years ago, the project has never emerged beyond that shadowy phase.

The older I get the more I think of Turgot and of his simile of the ripe pears dropping from the tree. Since the days of Mr. Forster's well-meant effort the *motif* has been altered. Then it was " Imperium et Libertas " (a contradiction in terms), now it is really the more practical and internally selfish object of exclusive trade—trade which will prove the most disruptive force of all !

The difficulty of India seems to me quite insuperable. That vast country is a true empire, the imperium of which is vested in the English sovereign, who maintains it by the only force that ever maintains an empire—the sword. But where does the Imperium of Canada, Australia, South Africa and New Zealand lie ? Certainly less and less in the English Sovereign who reigns over but who certainly does not govern those countries. These are what Burke called, truly enough, the *arcana imperii*—the very ark of the Covenant which is bound to be very rudely handled when it is brought down to the battle.

Some rearrangements there must be. The British navy must be supported on some clear and proper lines by contributions from those Dominions who wish to enjoy its protection. It would be wise to consult the contributaries, as far as *possible*, in regard to the general lines of foreign policy. But here comes in the crux. Is the converse to hold ? and does protection also connote the right to exercise a controlling voice in those matters which involve the arbitrament of war ? Suppose, for instance, that Australia treats the subjects of Japan or China in a way which they resent and which Great Britain strongly disapproves, is Great Britain to be bound to lend its Fleet—to which Australia contributes—to support a policy of which she strongly disapproves against allies whom she believes to be in the right ? Is she going to allow in the future, as she has done in the past, South Africa and other Dominions to treat her Indian subjects in a way that may possibly result in a rising in India quite justifiable from their point of view ? Who will find an answer to these and similar problems, in which the political agitator will find constant food for his mischievous activities without greatly caring about the result ?

There is also another broad field for doubt and conjecture.

Will either England or the Dominions really benefit by any artificial constitution ? Would not the natural process of friendly separation at the appointed time be the best for both ? Would not England's position be a far stronger and prouder one as the mother of free and allied nations than as the head of a set of jealous and wrangling provincial communities ? Is not independent national life far more likely to produce original ideas in the Colonies which now suffer mental inanition from their marsupial existence ? Depend upon it, the old statesmen who contemplated the gradual independence of Britain's European Dependencies were not such narrow fools as the younger generation fancy them to have been.

In another letter (6th Feb.), he says :

You must not think because I put forward Turgot's views that therefore I am in favour of moving one inch to try and get the pear off the tree. We are in the marsupial stage, and if, perchance, we were ejected from the maternal pouch, we should be, in our present condition, a prey for every bird of prey of the eagle variety, that fancied itself to be hungry. I only regard the Turgot prediction as a thing certain to happen in the vicissitudes of time, and regard certain advantages that may ensue. History from its dawn down to the present time is certainly against great Empires. They either fall to pieces at once, or if they perdure for a few hundred years they seem to take the backbone out of the provincials. We argue from such slender premises. The British Empire, as we think of it to-day, has not been in existence 100 years—since Lord Elgin's time, 1847-50. It owes its life to the abandonment by the Mother country of (1) the control over crown lands, (2) the renunciation of the Customs revenue. That has created a number of free, though more or less infant nations, who are just now puffed up by material prosperity and the conceit that wealth and security brings. What we have to consider is how we are to provide for the continuance of independent development with some common bond.

What you say—truly enough—about the general conviction that something must be done, has its own dangers. People in that frame of mind are apt to form hasty conclusions which they find out afterwards to be impracticable. Above all let us remember what Burke said about the necessity for a statesman to ascertain the temper of the people, which is by no means the same thing as the vapourings of the press. I am inclined to think that many conferences will be required—but there again we are up against

the difficulty of the constitution of such bodies unless they are elected *ad hoc* ; the representation will scarcely carry conviction with it, or render its conclusions acceptable. Meanwhile I think that every man of sense must agree in thinking that, if we are to continue to have the protection of the British Fleet and the advantages of British citizenship, we are bound to contribute in a worthy manner towards its maintenance.

A greater danger than the possible disruption of the Empire is the Decline of Liberty in England itself and its domination by Bureaucrats and the Press. The first we had in 1800-1820, but the last two are of modern birth—ugly portents.

In a later letter (April 1917), he writes :

I have been much upset and worried with this Native Land Bill, and as the plot thickens one sees grim possibilities of much future trouble. To begin with, during his recent election campaigns Botha threw up several *ballons d'essai* in the direction of " toe-nadering," invariably speaking of the Dutch as " Ons Volk " and giving no sort of credit to Smartt and his friends, in fact, rather apologizing for them and for his association with them. I tried to persuade myself and other people that all this was merely the usual and unfortunate sort of " holding the candle to the devil " that goes on at election times. It was noticeable that the attitude of Hertzog, though virulent enough at times, was more friendly towards Botha and one could not help feeling somewhat suspicious. Then came this Native Act, warmly welcomed by Boerdom as a means of providing cheap and regular labour and generally putting the natives in their proper place. Smartt pleaded for delay and further time for investigation of the principles of the Bill which has certainly roused a good deal of feeling among the natives. Botha stoutly resisted this and is backed by the solid Nationalist party. So we are likely to have . . . a division on Dutch and English lines which will, of course, be a great step towards the " two streams policy."

Merriman's correspondence during this year is very copious and it is difficult to arrange extracts coherently—in order of dates, or subjects, or of the persons with whom he was in touch. Early in the year there is a characteristic letter to Smuts, then on his way to the London Conference, in which he expresses his anxiety as to the effect of the Native Land Bill, which Botha was about to introduce. He recommends

Smuts to see as much as he could of Lord Bryce, on whose store of information and sound judgment he much relied, and to whom he looked, especially since the death of Lord Courtney, for enlightenment as to the situation in the closing period of the War. In the same month (February, 1917) there is a long letter to Bryce, dealing with the relation of the Dominions to the central Government and other topics, which seems to demand rather full quotation.

Our mails are so irregular and our cables, which depend on what Reuter chooses to send us, are so insufficient, that we are almost thrown back some fifty years as far as regards communications. We can only gather dimly that the waste and the extravagance under the Northcliffe autocracy seems to wax rather than wane. Only the absence of the authority of Parliament, and the lack of control of the Treasury, seem to be more accentuated. Parliament seems to have lapsed into the position of Congress. This is indeed a very serious thing for all of us. We are only too ready to imitate any thing that is evil ; and the decay of liberty and the multiplication of bureaucracy is very much to the taste of embryo " nations " whose leanings in that direction do not require any incitements. How I wish I could sit for an hour at the feet of Gamaliel, and hear whether you thought the phase of Press rule, and of Bureaucracy, was only a passing one or whether the whole character of the English folk has so profoundly altered. The news from America that Wilson has, after so much hesitation, *almost* decided to plunge into the ghastly maelstrom in which we are all struggling must be to you, who know so much, of absorbing interest. If he does so decide he will be a *very* awkward partner in any new Congress of Vienna.

I read your speech delivered at a Conference between Representatives of Home and Dominion Parliaments last July with great interest. I recognize the strength of the feeling that " every one," which in this case means the press, for I do not know that the matter has been fully discussed in any Parliament where authority is vested and where both sides of the question can find utterance. Every one feels " that something must be done." This is surely rather a dangerous spirit in which to approach a question of so intricate and delicate a nature as the creation of a written constitution for Great Britain and its Dominions.

Hitherto these conferences have been in the nature of a symposium in which most of the Colonial representatives at any rate

seemed, to use a very vulgar expression, to be mainly " talking through their hats." The Prime Ministers of the Dominions always with one eye upon the local opposition who are apt to regard official nominees with a very jaundiced eye. I would submit that in any conference called for such an important object Representatives should be elected *ad hoc*—either by the Legislatures or by the Electors at the discretion of the respective Parliaments. I am sure that this matter is of more importance than you may fancy, if you wish as I am sure you do to arrive at any practical result.

As to the main question—you did a great service by reminding the " Symposium " that the discussions of any meeting to shape a constitution for the future British Commonwealth must of necessity depend on the issue of the War.

I see that you are rather in favour of a Council of Empire. The difficulty in that case, if it is to be anything more than a mere advisory body, will be to secure adequate representation. Only well-to-do persons would be able to attend and I am afraid such people, even if they are by previous training suited, are too often regarded with a very jaundiced eye by the Colonial electorate. In any case it seems to me impossible that any Dominion Parliament would for long, whatever it might do in a moment of enthusiasm, consent to have its views overridden by any Council, however eminent or competent it might be.

Like the rest of the world I have come to the conclusion that the logic of events will force some change in the relations of Great Britain and the self-governing Dominions.

Common decency—an honest pride—should not allow any self-respecting community to owe its existence to a protection which is paid for by the taxpayers of another country. Yet that is what the Dominions do to Great Britain and the British Fleet. Every right-minded man will acknowledge that we ought to make some adequate contribution on some recognized basis. Yet how difficult that will be to arrive at and how easy is it for a community on one specious pretext or another to evade its just obligations ! Does not the case of the North American Colonies, after the peace of Paris, afford a warning ? We may have grown wiser and better, I hope we have, but I am certain that the local " Patriot " of the Patrick Henry and the Otis type is still in full vigour. In the Conference on Defence in 1909 I ventured to submit a tentative suggestion—that this which is, after all, the crux of the business might be arranged by an insurance upon sea-borne traffic—and I worked out roughly the scale upon which contributions would

be fixed. This gets over the difficulty of India—and it would or at any rate ought not to be offensive to the contributors.

Great Britain would be simply paid for services rendered. Not perhaps a very lofty bond of union, but more practical I venture to think than Lord Milner's doctrinaire proposals which would infallibly lead to disruption. As for control of Foreign policy and the rest of it, that I think may for some time be left to the bond of sentiment. At any rate as long as we continue in the marsupial stage. My proposal would avoid the dangerous question of India —its control and, still worse, its logical claim to share in control.

Few people can appreciate the " temper of the people " except those who live among them, and Colonists may be ignorant, but they are very human in being very sensitive as to the management of their own affairs. I should like to ask you, if you had time, to answer, why the whole policy of the wisest men in England which certainly down to 1883 seemed to lean to the doctrine of Turgot, *vide* Lord Elgin's despatches—upon which policy Responsible Government was based—has suddenly changed to the Chamberlain Imperialism. Is there any chance of a recurrence of the cold fit? May it not come from the suppression of the German menace, if we achieve it, as in the case of the North American Colonies and France in 1763?

In March there is another long letter to Bryce, in reply to one from him which must have crossed that cited above. Bryce is said to have observed that the War had thrown up three great men—Venizelos, Masaryk and Smuts. In his letter to Merriman he makes some inquiry about Smuts ; and the tone of Merriman's reply is perhaps more qualified in his eulogy than some of his earlier utterances would have led us to anticipate. He describes him as " an exceedingly able man, ruthless and cultured, but with a reputation for shiftiness which is perhaps undeserved." He gives some account of his history, mentioning that, as Kruger's State Attorney, he was supposed to have drafted and launched his ultimatum, refers to his gallantry in the field and his wise counsel at Vereeniging. He added that he was a poor administrator, who had led the Union into trouble with the Indians and the Labour Party—a man, he concludes, " with very great intellectual gifts, a charming companion, a better

friend, perhaps, than counsellor." He proceeds to discuss the work of the Session and the attitude of the Republicans, whom he attacked very vigorously in the House.

He refers again to the Segregation Bill as " a most ill-judged measure. I do not think," he concludes, " any legislation can stop the native tide from rising and I feel sure that legislation which tries to set the tide back by artificial means will only accentuate the evil. The experiment of a white race settling in Africa is by no means assured, and unless we mend our ways we may go the same way in the South that the Greeks and Romans did in the North, or at the best become a sort of African Mexico. The old Cape policy, that on the whole worked very well, has been slipping back into Transvaal and Free State ways. The proposed new Act marks a step in retrogression."

During the vacation Merriman was in correspondence on the same subject with Scully, a Magistrate of great experience in native affairs, who had also acquired distinction as a man of letters. Scully was sitting on a Commission under the Native Lands Act, who had to report on the question of " neutral areas," in which the principle of segregation was to be held in abeyance. As Scully put it, the problem seemed to be whether he should, in the interest of the natives, " ask for half a loaf when the whole loaf is due, in the hope of possibly getting a quarter," or should he use an " unique " opportunity of indicating his views on the whole question. Merriman replied very fully :

> We must consider the interests of those committed to our care, and whose destruction means the destruction of civilization as we understand it in this country. One of the great difficulties is to see both sides of the question. Certainly if it were possible to carry out Segregation ; if there was any honest intention to attempt to carry it out, there might be a good deal to say for the policy. But this is in no sort of way the case. Segregation in most people's minds means herding the Natives up in circumscribed areas where perforce they will be driven to seek their living as landless and uneducated serfs among white communities ; housed like dogs, and in fact little better than slaves, with the added merit in the

eyes of their employers that there is no obligation to provide for them in sickness or old age.

It means that where any Native becomes sufficiently educated to feel his position and to desire to live apart from the herd he shall be forbidden to do so, but shall be pressed back into the kraal or location. We forbid him the right to compete with *us*, while we take good care that the European attorney shall have full scope to prey on his vitals, and in our short-sighted folly we imagine that this policy is going to lead to the settlement of our difficulties. As if any settlement founded on injustice could ever endure. The mere economic law militates against it. Whatever we may compel the Native—our ward !—to do the European cannot be prevented from seeking his own advantage after his own fashion. Witness all our Squatter laws, Location laws, Plakkers Wetten and so forth. In one way or another the landholder finds a way to evade them, and in the pursuit of gain to rack rent his unfortunate serf. Every agreement we make as regards Native reserves will be broken and the tragedy of Naboth will be enacted, and the compact be set aside on the pretext of utility, like the Covenant with the Zulus over their land in the interests of the Natal Sugar Planters, and as you now point out the sheep farmers are nibbling at the Transkeian reserves as if sheep were better than men—even black men.

But of course all this may be true enough ; but it does not help you. You are in the unenviable position of having to try to fit conditions into a hasty, ill-considered—or rather not considered at all—measure instead of ascertaining all the conditions of the problem before framing the measure. If you accept the measure without drawing attention to this aspect, when the evil comes upon us you will be blamed. I should therefore honestly state what you find to be the true conditions, and the difficulties in the path, and then make the best disposal that you can according to your instructions. The chief thing to provide for is that some means be contrived to draw a distinction between the Native who has really adopted civilized ways and to give him a place in the sun. We must always recollect that the Native has no right to talk about *his* country. He was an intruder like ourselves. We met him on the Fish River and have practically never dispossessed him of his hold on the country between Kei and Fish Rivers. There are more Natives now in that territory than there were when we first came up against the Bantu. If we mark off the divisions you name as neutral zones in which interchange of land shall take place between Europeans and Natives, as was the case

before Union, you will have acted fairly enough ; but you will have bitter opposition. You will have great opposition to the expropriation of European farms. Yet, if we acted fairly, how can we decline to have some such provision with regard to the Fingoland farms? You might make inquisition with that 50,000 acres of land that we gave to the Indwe Railway Co.—there would not be so much objection to getting hold of that. One fruit the Native Land Bill has already brought forth. It has thoroughly roused the Native agitation. I suppose you have seen the address issued by Mr. Pilene and his friends? A good deal of it is true, but anything less likely to effect a change in the prejudice that exists I can scarcely imagine. All this leads up to what is, I fear, the aim of a good many Europeans—a reconciliation of all sections of Europeans over the body of the rebellious (?) black man. That is a tragedy that I see coming.

At the same date we find another long letter to Bryce, who had asked his opinion on the question of Second Chambers. Bryce, it will be remembered, had propounded a scheme for the reform of the House of Lords. Merriman replies :

Our Constitution has been a sad disappointment in many ways. The Provincial Councils, which were intended to be on the same line as your County Councils, have been turned into embryo Parliaments with all the nonsense of parties to the neglect of their proper functions. The result is that the election to vacancies in the Senate, which is by the Constitution vested in these bodies, results in the choice of purely party men, and at present tends to fill the Senate with Labour and Nationalist members who do not command much respect. Indeed the Senate itself is a very inferior body, quite failing to gain the respect of the public or to have any weight. We have, under the Constitution, power to amend the whole provision as regards the Senate, and this is now occupying the thoughts of the few who take a real interest in such matters. One sees all the difficulties and a way out is not so easy to find. I suppose we must agree that some such body is necessary. In this respect *securus iudicat orbis terrarum*, etc., and the experience of every democratic attempt to do without one has resulted in failure. Yet the same might, I suppose, be said of Second Chambers themselves with two possible exceptions, the United States and France.

I suppose most countries endorse the experience of Cromwell, that by taking good men from the Lower House you fatally weaken

that body and lead to inevitable dissensions. All our Colonial experience goes to show that Upper Houses are either nuisances or nullities. If nominated they are pretty certain to be the latter. If elected and efficient, friction ensues and the whole object sought to be obtained by a weighty House of Review is lost in perpetual wrangles about power and status.

You will say that the United States and France have managed to avoid Scylla without running into Charybdis, and there is much in this. The United States have, as a Federal State, a mode of indirect election that is at once natural and effective. Whether it would operate, if the Government were dependent on a Cabinet responsible to the Legislature, is another question. On the whole therefore one is driven to consider France as the best practical example. But it is extremely difficult to set up a workable scheme of indirect election that will secure the object which is, I take it, to create a body of men who have the public confidence, and whose opinion will have weight with the actual working assembly who control the Government.

Perhaps the best way of arriving at this end would be by grouping constituencies into large areas—not too large, as the person elected should be able to depend on the *existimatio circumcolentium* of which the Roman law thought so much, and at the same time large enough to lessen the opportunity of minimizing localism. The election might be by proportional voting. It would be better if it could be on a different franchise—say the payment of income tax. Though these details are important they do not affect the broad principles of election of members by large constituencies, who would, after a fashion, be glorified county members. No second chamber will work well unless some well-thought-out plan is devised for settling disputes either by referendum or by the two Houses sitting and voting together.

It is necessary also to have some clear definition of their respective functions in dealing with money or such questions as Peace and War, alteration of the Constitution, etc. But, however skilfully you frame the provisions of any Constitution, experience forbids us, I fear, to hope for finality in such matters. We talk of two Houses, but there seems to be a whole class of outside influences that not only control but weaken and diminish the influence of Parliament. I say nothing of the Press and of money with its countless ramifications, but I refer to such bodies as Caucuses, Trades Union Congress, Conventions of various kinds who toss off decisions without study and with one-sided imperfect discussions that lead the multitude to undervalue the tedious

formalities of Parliament. Everyone is equally incompetent and equally ready to tell his neighbour what he ought to do. To this surely we must attribute the state of England just now, with your Directory treating Parliament much as the French Directory treated their Assemblies from 1796 to 1799; both the Press and the Cranks, each with a new nostrum, bawling outside and the crowd gaping on. Will you ever get right without a saviour of Society like the genius who turned up in 1799? One fervently hopes and prays that Liberty and Authority may come back to their ancient ways, but the times are not propitious. Democracy seems to be running the same course under pretty much the same conditions that it has done elsewhere, and there are as many people as there were in Athens of old to persuade poor Demos that he is the finest fellow in the world, and that anyone who is above him in any way must be pulled down. The Russian Revolution and the proposal of the Labour Congress to undertake Diplomacy are fearful portents.

Until you restore the prestige and the influence of Parliament that Lloyd George, Milner and Co. have destroyed I see no hope. Therefore with all my heart I wish you well in your attempt at reconstruction. Even that divine gift of stupidity that Bagehot regarded as the supreme virtue of the English seems to have departed in the illumination of Board School education.

CHAPTER XXV

MERRIMAN'S LAST DAYS IN PARLIAMENT

Merriman's various interests—The Armistice and the Treaties of Paris—Death of Botha—Closing days of the second Parliament—Merriman's waning strength—Declines nomination for the Senate—Re-elected for Stellenbosch—Position of parties in the new House—Coalition of Smuts's party with Unionists under Smartt—Another dissolution—Merriman again returned for Stellenbosch.

As will be gathered from the correspondence cited in the previous chapter, Merriman still preserved all his mental vigour. He showed his statesmanship in discussing the problems—such as that of the treaty-making power and the management of the foreign relations of the British Commonwealth—which, on the restoration of peace, would clearly demand very judicious handling by all concerned. That he could still make an impressive speech was shown on the occasion, already mentioned, of the unveiling of the Scott Memorial.

There were other matters in which he had always displayed much interest, such as historical research and the story of European settlement in South Africa. During his first Ministry, in 1876, he had been a member of a Commission appointed " to collect, examine, classify and index the Archives of the Colony." Documents were collected from various parts of the Colony, with copies of others preserved at the Hague. Another Commission was appointed when he was Premier in 1909 and a third, of which he was Chairman, was constituted by the Union in 1918. This Commission was followed by another, constituted with extensive powers, under the Archives Act of 1922, on which he also sat. He also took an active part in 1918 in the foundation of the Van Riebeek Society, of which the object was the publication of documents relating to the early history of South Africa. Merriman became the first President and

took an active part in promoting the objects of the Society, which has achieved great success and issued a series of useful publications.

While Merriman thus found occupation for his leisure hours the War was drawing to its close. At the end of 1918 the thoughts of all men were bent on Paris, where Botha and Smuts acted as plenipotentiaries of the Union in negotiating the treaties of peace. Smuts, it will be remembered, gave much assistance to President Wilson, Lord R. Cecil and Lord Phillimore in drafting the Covenant of the League of Nations —an institution as to the merits of which Merriman, never very receptive of new schemes, always remained sceptical. On various grounds Smuts demurred to many of the provisions of the Treaty of Versailles, which he regarded as sowing the seed of much future trouble. It was with great difficulty that Botha persuaded him to append his signature, subject to a qualifying memorandum. Wilson, as will be remembered, in addition to his League and his fourteen points, had brought with him a cargo of political dynamite, liable to explode in three Continents—from Ireland to India and from Egypt to South Africa—in his canon of " self-determination," which encouraged the republicans in the Union to send a deputation to Paris, headed by Hertzog, to apply for the restoration of their independence. The deputation made no impression.

The signature of this Treaty, in the Hall of Mirrors, was the final act of General Botha's great career. How much he had done and witnessed—during the Boer War and from Vereeniging to Versailles ! Worn out with endless anxiety and toil, he returned home to die at Pretoria in the following August.

It is pleasing to reflect that, in the later years, his reconciliation with Merriman had been complete. Merriman had formerly been inclined, not perhaps unnaturally, not only to disparage Botha's capacity as a statesman, but to doubt the sincerity of his sentiments. He could not but resent the choice of Botha for the great post to which in many respects he had a stronger claim. Whatever may have been the precise

considerations which mainly influenced Lord Gladstone in his selection, it must be remembered that, when he gave his mandate, Botha enjoyed the full support of his own party in the Transvaal, as well as that of public feeling in Natal, while the party led by Merriman at the Cape was far from unanimous in his favour. Botha's policy and proceedings, during the next few years, may have been open to criticism, which Merriman did not spare ; but, when the great crisis came, he was the first to recognize how fully Botha had risen to the occasion. Thenceforward he gave him his whole-hearted support and their relations became those of cordial intimacy. They differed on various points, chiefly perhaps through Merriman thinking Botha too much inclined to temporize with agitation and sedition. He should, he held, have grasped the nettle more firmly and so eliminated its sting. Botha, however, had more information at his disposal, as to what was feasible, than Merriman could possess ; and the question, like others on which they differed, was rather one of method than of principle.

On the death of Botha, Merriman wrote to Smuts :

May I intrude upon your sorrow to ask you to convey to your colleagues and to Mrs. Botha my deepest and heartfelt sympathy in your irreparable loss in the tragic death of General Botha. The firmest of friends, the most chivalrous of foes, he will leave to coming generations the memory of the best that South Africa can produce. I can give him no greater praise than to compare him with Robert Lee. They both at the call of duty to their country took up, against their judgment, a losing cause, and with the greatest skill and undaunted heroism they both fought to the bitter end in such a way as to command the esteem and affection of their foes and the gratitude of those who recognize the nobility and true chivalry of their character. I bitterly regret that I am unable to stand by his grave to pay him the last tribute of the esteem and affection with which I shall ever cherish his memory. He will lie where

> The sound of those he wrought for
> And the feet of those he fought for
> Shall echo round his bones for evermore.

His memory lives in the soul of South Africa.

To the draft of this communication was appended the quotation from Tacitus : " Tu vero felix, Agricola, non vitae tantum claritate, sed etiam opportunitate mortis." It is not quite clear whether he actually appended it to the words he sent. Agricola, like Botha, died in what would now be reckoned as his prime ; but circumstances had compelled his retirement from public life ; for Botha many years of distinguished service might still have been anticipated. Merriman, on the other hand, was to share the " cruel rack," as he once described it, with a reference to King Lear, of his former rival Sprigg, and to come to be looked upon as a " back-number " on the scene on which he had so long played so great a part.

The second Parliament of the Union was now verging towards its end and there appear to have been already some indications that Merriman's capacity as a legislator was on the wane. He could still make an effective speech on a set occasion ; but his aptitude for the discussion of new topics, and readiness in debate, had begun to fail.

Mrs. Merriman began to feel that the long sittings in the House were too much for his strength. She specially dreaded the evening sittings, at which he sometimes felt it his duty to attend. When the House rose late, perhaps in bad wintry weather, there were often no conveyances available ; and the long trudge up the Avenue, from the House to his hotel, became a severe strain on a man now verging on the eighties. At her request, some of his closest friends suggested that he should accept a nomination for the Senate, where he would still breathe the atmosphere of Parliament ; but, after fifty years in the Assembly, he was disinclined to cross the Lobby, and take his seat in the Elysian Fields described by Disraeli. Perhaps it would have been better had he taken his wife's advice, but at the election of March 1920, and also in 1921, he was again returned for Stellenbosch, as a supporter of the alliance which the South African Party under Smuts had now established with the Unionists under Smartt and Duncan.

In his address to his constituents he had observed that " to South Africa, in common with the rest of the world, peace seems to have brought in its train division and strife. My chief object, in the remainder of the life that may be allotted to me, will be to compose the differences, to restore to South Africa peace and concord, and to bring about that united feeling upon our domestic concerns which is the first need of our common country. In conclusion I can only assure you that I look on the privilege of representing those among whom he lives, and whose interests are the same as his own, as the greatest honour that can fall to the lot of a citizen."

Whatever decadence may have at this stage been descried in his capacity as a legislator, there is nothing to criticize in the style of this address or in the correspondence—full of verve and vigour, with much graphic comment on things past and present and shrewd speculation on things to come—which he still carried on with friends at a distance.

Citations of some length have already been made from letters to Basil Williams and Sir D. Chaplin, written in 1916 and 1917, on the subject of the future relations of the Crown with the Dominions beyond the seas. He recurs to the same topic in another letter to Williams in the latter year.

I am afraid [he says] England has few real friends ; our admirable expressions of lofty principles, and the frank way in which our press lectures other nations, does not endear us to the world at large. And now we have Milner and those Australian gasbags wanting to impose a cut-and-dried constitution on us all—the surest way to disruption. I suppose the tariff reform people are really at the bottom of it all ; they will not get much assistance from South Africa. . . . Our session is just beginning—lots of fuel about and plenty of nasty separatist talk, but I do not know that any actual harm will result *now*, though there is an active propaganda and I sometimes wonder whether we shall get off without a civil war.

In another letter, at the beginning of 1918, he draws an

unfavourable comparison with the England of 1812, at war with America and with all Europe against her.

We had then [he says] a Parliament and an Opposition [he seems to have thought that the " coupon " election had eliminated the Opposition] and a Government who at any rate knew how to keep their mouths shut and did not indulge in senseless braggadocio, always followed by disaster. Now we are governed by a Directory, just like the French Republic in 1796-9. Parliament seems to have vanished, and in its place we have a marvellous bureaucracy working in water-tight compartments. . . . Even America in its direst need could throw up a Lincoln, while we can only find a Northcliffe.

What has Lloyd George been doing by talking about the future of the German Colonies? Does he not know that the retrocession of German S.W. Africa would certainly lead to the loss of South Africa, while the abandonment of East Africa would lead to the establishment of a hostile Power bent on the destruction of our Eastern Empire? I say nothing of Australia and the German Pacific Colonies. However, I do not suppose the gentleman whom you call the " clever little Welshman " either knows or cares much about imperial politics. I wonder whether you in the military intelligence know anything of the anti-British pro-German propaganda in South Africa. . . . They have taken up the idea of " nationalities " with which some of your intellectuals have been playing and believe me that they will give you a good deal of trouble when the time comes for discussing terms of peace. We are all very glad that the East African campaign has come to an end, at least we hope so. Von Lettow has made a great reputation; he must be a gallant soul; take some comfort from the fact that he had a Scotch mother and put in some time at Oxford.

These letters also comprise various allusions to Rhodes, on whose Life Williams was then engaged. Merriman always lays stress on the loss of moral strength which he attributed to the association of Rhodes with the schemes of European capitalists, and regarded the Charter, the methods by which it was procured and the manner of its employment, as the source of the mischief which led to the Jameson Raid and the Boer War.

At this period there is also a long letter to Dormer, formerly editor of the *Cape Argus*, covering a wide range of topics, in

which he refers to the East African expedition and its enormous cost.

Von Lettow [he remarks], with a mere handful of whites and a few hundred askaris, still holds out undaunted in Portuguese territory ; whenever he wants food or ammunition he just takes it from " our ancient ally " and so goes on. I suppose some day there will be an inquiry, but what is to come of it at last? None of our good friends and allies will be sweet on Great Britain getting another big slice of the world. It will be such a horrid comment on all our disinterested professions.

The whole business is a horrible tragi-comedy—the English and the Germans setting two sets of black men to fight and destroy each other for the noble end of seeing which civilized nation shall rob them of their land and labour. . . . The plain fact is that " planting colonies " are good neither for white nor black. The only way to govern these tropical dependencies is that which we have adopted in Nigeria and Uganda, where we seem to have stumbled on a plan that administers the country in the interests of the black man and to our own commercial advantage. . . .

Shall we endure, or shall we share the fate of the Carthaginians, the Roman and the Vandal, whose name is only a memory? I sometimes doubt—our professions are so noble and our performance comes so lamentably short.

The correspondence with Bryce failed to modify his pessimism as to the prospects of the League of Nations, the scheme of mandates, and the future of democracy. In a letter of May, 1919, Merriman, after discussing these subjects, refers to the revolutionary movement at Johannesburg, and the ensuing general unrest, which had spread to the natives and coloured folk.

There is [he adds] a sullen feeling of discontent among the natives all through the Union. They have broken away from their old friends and advisers, and we are within measurable distance of some very ugly trouble. Unfortunately, right is, to a great extent, on the side of the natives, who have received scant attention amid the general levelling up of wages. They resent the Colour Bar, which, imposed by law in the mines, prevents them from rising in the scale of industry and bettering their position. . . . They have not been slow to take advantage of the

example and, in some occasions, the actual tuition of their white masters—they are quite alive to the power of the " general strike " to enforce their demands, and the weapon of passive resistance is also familiar to them. Maladministration and lack of any determinate policy is bringing us to a crisis of which no one can foresee the end ; possibly an African Mexico. But perhaps we are not in more troublous waters than Great Britain herself.

He still felt that the one thing needful was an equitable native policy. The House had been occupied with a Native Land Bill. As the result of the Inquiry by the Beaumont Commission some attempt was made to adopt the plan of " segregation." As a matter of fact, since Union considerable areas have been reserved for native settlements ; but there is always the difficulty that the European farmer demurs to the surrender of a sufficient area of cultivable land to meet the requirements of tribes living on the soil.

Merriman at this time was in frequent correspondence with Frank Brownlee, whose long experience in the Transkei lent great weight to his views. One of Merriman's letters, written in March, 1918, seems to merit citation :

You will have heard before you get this that the Native Land Bill has been withdrawn, which means of course that it has to be begun *de novo*. This is a striking instance of the folly of " forcing things through." Had it been sent to a Select Committee *before* the " principle " had been confirmed by the second reading much trouble might have been avoided. As it is the seeds of suspicion have been sown in the native mind, and, as no one knows better than you, there is a good deal of human nature about natives—and suspicion is more easily created than eradicated. What should be done now is for every white man who really takes an interest in the future of South Africa, to point out to the natives the good side of the measure and to try and get them to take a moderate tone in pressing any amendments. I am trying to do this both with Europeans and natives.

I am not quite so sure of the merits of segregation as you are, there is a danger of pushing the more educated back into the kraal, where they will become leaders and a danger to peace. If the policy could be carried out on the lines of the Transkei—as it was—with the best Civil Service we could get and as little infusion of Europeans as may be, the experiment might answer ; but the

local attorney and the omnipresent trader are sad lions in the path, and now the recruiter, who conducts what is really a system of " peonage." . . .

To revert to the Land Bill and its proposals—It seems unjust and I can scarcely think it wise to forbid a native who had shown himself able to adopt our civilization to purchase land outside his tribal area. Few will be able to do so and fewer still will be able to retain it, but to deny them the chance is a sign of weakness on our part. It is sure as time goes on to be evaded in one way or another. But I should defer to the knowledge of those who like yourself have special acquaintance. . . . Some day the coloured races here may throw up a " Toussaint L'ouverture " and it will be a bad day if such a one is thrown back into the Kraal. I do not think that the example of Basutoland is *altogether* very satisfactory, but the more one looks into the problem the darker and more difficult does it seem to be. All we can do is to remember Burke (on India), " The situation of man is the preceptor of his duty," and try to do ours. To give the native a fair chance and to see that the European realizes that only by being a really superior man and not by the adventitious colour of his skin can he hope to maintain the dominant position that God has given—that can only be secured by toleration, never by suppression—but this is a hard lesson for all of us to learn and prejudice is strong.

All you say about the Transkei is to me full of interest. . . . The Transkeian code was a good bit of work. My brother-in-law, Barry, never got credit enough for that. He was rather downhearted about his Native Commn., when I got hold of Macaulay's Indian Code and persuaded Barry to adopt it. I think it has been of great use. Of course my notion of sending men to India was nipped in the bud by Union and by my ejection from the post that, in the natural course of events, I should have occupied. I regretted that, more for losing the opportunity of working on Native Affairs than for anything else. I think there is much to be learned by studying both Java and the Dutch system and also the Philippines, where the Americans have done very good work in their own efficient way. . . .

Pardon this somewhat disjointed screed. The great struggle in France occupies all one's thoughts and for the first time in my life I am conscious of having nerves.

Since the date of this thoughtful letter—more than ten years ago—little progress has been made in dealing with this

urgent problem. Proposals for absorbing the Protectorates have now been raised ; within the Union, the more such questions as that of segregation, or parliamentary representation, are discussed by the Legislature, the more the difficulties are appreciated. From the industrial and economical point of view, the situation has been complicated by the formation by the natives, under an astute leader from Nyasaland, of an Union of their own ; in its political aspects, the danger, to which Merriman was always so keenly alive, of such matters becoming the subject of party controversy is now aggravated by Bolshevist propaganda, which has not failed to recognize in South Africa a fertile field for its campaign against British institutions throughout the world.

In another letter to Williams in the same year, he refers with regret to the death of Lord Courtney. " That house," he says, " with its wise counsel and kind hospitality meant so much to us and, poor man, he must have died with little comfort for his soul." He speaks again of the turmoil in South Africa : " civil war is not impossible and we have all the elements of a full-blown Mexico."

In his next letter to Williams, written in October 1919, after the death of Botha, after expressing his regret that Kipling had not gone to Pretoria and made a sympathetic study of Kruger, he continues :

> We are now in a similar quandary about Botha ; he, like Kruger, leaves few letters or writings, and his biographer will have to get his material from those who knew him in his early days of the frontier fighter, before he emerged into fame as the General of the Boer War. I send you a few notes that I made at the request of the Stellenbosch students in the hope that they might profit by B.'s example ; for he was in emergency a great man and he will be sorely missed. Smuts, who takes up his mantle, has a very difficult job before him, for with great talent he has not Botha's personality, which made him a leader of men. Smuts is an idealist, which threw him into Wilson's arms, and made him largely responsible for the well-meaning but utterly impracticable League of Nations, and in some measure for the peace, that contains the seed of so many wars.

After another reference to the state of public affairs at home and the example set by the decadence of parliamentary government under Lloyd George and Dora, he quotes a passage from his favourite *Pharsalia* :

> Non erat is populus quem pax tranquilla iuvaret,
> Quem sua libertas immotis pasceret armis ;
> . . . . . .
> Hinc usura vorax, avidumque in tempore foenus,
> Et concussa fides et multis utile bellum.

He goes on to express a hope that Lord Robert Cecil might prove " the man of destiny " ; but, doubtless remembering his activity in framing the Covenant of the League, he classes him, like Smuts, among the idealists, of whom Renan observed that " les choses humaines ne commenceront à mieux aller que quand les idéologues cesseront à s'en mêler." Writing from Schoongezicht, he concludes : " We are enjoying spring in Boeotia, with the oaks all in leaf and the peach trees in bloom. I wish you could pay us a visit and correct my visions of politics and stay my alarms."

Another letter, in the following January, referring to Williams's *Life of Rhodes*, contains another reference to the Chartered Company, which Merriman has been so strangely depicted as approving. " The genesis," he says, " of the Charter is a curious chapter in the history of Anglo-Saxondum. Belloc could tell you much, and his novel *Emmanuel Burden* is one of the most telling pictures of the ways and works of promoters. . . . What a demoralization of English public life may be traced to that enterprise ! The enthronement of share jobbing in society ; the Boer war—and all its *sequelae*." He concludes with a brief allusion to South African affairs, with " labour trouble everywhere and a sort of shoddy imitation of local ' soviets ' at Durban and Johannesburg. . . . We are nearly as well stocked as you are with officials of all kinds—and speculation is the greatest of all our industries."

Shortly afterwards, writing from the House, he describes the situation at some length. " Smuts," he says, " is struggling through the morass of a Session with a minority at his back.

Parliament is split up into four groups—(1) The South African Party, composed of Botha's followers and some dozen English—40 in number. (2) The so-called Nationalists, all Intransigeants, bitterly anti-English, and advocates of separation, in which they are much cheered by the clack of Lloyd George and Bonar Law about ' self-determination '—45 in number. (3) Unionists, mostly English, the remnants of Jameson's party—25. (4) The Labour Party—out for plunder and all the nostrums of their fellows elsewhere—21. (5) Three Independents, who vote with the Government." I have slightly abbreviated this category ; he adds that " it is a very unstable equilibrium and at any moment Smuts may be put in a minority."

" There can be no question," he goes on to say, " that the Dutch are two-thirds nationalists. Labour can never be reckoned on, as so many of their rank and file are composed of the poor illiterate Dutch people. In the event of a civil war the natives will, I should say, side with the British. But the garrison in South Africa is absolutely denuded ; the batteries in the Peninsula are manned by recruits from the back veld. The British Government apparently has made up its mind to cede this ' key of Empire ' at the first opportunity —forgetful of the fact that the mistress of the sea power of the world ought to hold the Cape of Good Hope."

Shortly after this letter was written, the difficulties of Smuts, in his struggle with the Parliamentary " morass," were much diminished by the patriotic action of Sir Thomas Smartt, who succeeded in arranging an " anti-nationalist " combination between his Unionist followers and the South African Party, which, at the ensuing election in 1921, obtained a sufficient, if scarcely a solid, majority, Merriman, as already mentioned, being re-elected without opposition for Victoria West.

At this time, however, the long life of the Ministry and Merriman's career in Parliament were both drawing to a close. Smuts, after an uninterrupted tenure of Cabinet office for sixteen years, during which his achievements had been so

great and varied, evidently needed a rest. He and his colleagues seemed to be losing their grip of current business. A Bill for the management of natives in urban areas had caused much dissatisfaction among the educated natives, and had been referred to a select committee. The manner in which a rising among the Bondelzwarts had been repressed by the Administrator of South-West Africa had been sharply criticized and was under investigation by the Mandatory Committee of the League of Nations. Meanwhile, the extravagant expenditure of the provincial councils had caused a substantial deficit in the finance of the Union and proposals for dealing with the whole question of provincial government had been shelved till the following Session.

It was in such circumstances that we find Merriman writing from the House, in June 1923, to Sir Graham Bower. They corresponded frequently, but unfortunately this seems to be the only letter which has been preserved. It discusses these and other topics, both in the Union and in Europe, in the pessimistic spirit which in those days pervaded his comments on public events. " Purchasing votes out of the pockets of the taxpayer," he remarks, " is one of the most fatal and easiest kinds of bribery. Lord Bryce has some very apposite warnings on this score in his *Hindrances to Good Government* (American Lectures)—alas ! that his wise and courageous voice is now gone." During the few years which have elapsed since this letter was written the practice has been aggravated and seems to be an inevitable concomitant of democracy. With a middle-class electorate, economy and retrenchment are popular on the platform ; when power is transferred to the proletariat, the demand is for extravagant expenditure on " social services " at the cost of industrial development.

CHAPTER XXVI

MERRIMAN AND LORD BUXTON

Relations with Lord Buxton — Correspondence — Social intercourse — An appreciation of Merriman's personality—His views on the Native Problem and his work in Parliament—His zeal for Public Economy.

During the last nine years of his public life—from August, 1914, when the War began, till August, 1923, the date of his disablement—Merriman was in frequent contact, personally or in writing, with Lord Buxton, who, at the earlier of those dates, succeeded Lord Gladstone as Governor-General and High Commissioner. Buxton, at the time of his appointment, was President of the Board of Trade. He had previously, in Mr. Gladstone's last Ministry, as Under-Secretary for the Colonies, had occasion to give much attention to South African affairs. He and Merriman had much in common and had been acquainted before his appointment. It so happened that in 1914 the Buxtons and the Merrimans made the voyage to the Cape on the same ship. Of Lord Buxton it may suffice to say that he was then about to occupy what was at that time perhaps the most difficult post of any representative of the Crown beyond the seas. He so discharged its duties that his term of office was extended with general approval and, on its expiration, he received a special token of the favour of the Crown.

In the following years they often met during the Session at Capetown and Merriman was sometimes a guest at Government House at Pretoria. Their personal intimacy was supplemented by a good deal of correspondence, which continued after Lord Buxton's retirement. This he has kindly placed at my disposal, together with some personal reminiscences, for the purpose of this narrative. " His companion-

ship and friendship," Lord Buxton writes, " was a great factor in our Capetown life, and the advice and encouragement which I throughout received from Mr. Merriman was to me of immense value and support through anxious and troublous times." He also mentions that Merriman " made great friends with our son Denis, and, when Denis was killed in October 1917, we shall never forget his true and most understanding sympathy. His speech at the stone-laying of the Denis Buxton Memorial Hospital for Children was perfection both in feeling and in expression."

At first Merriman seems to have felt some misgiving as to whether frequent correspondence with His Excellency might not, in a small community, give rise to some misapprehension in official circles. On this point Lord Buxton hastened to reassure him. " I hope," he writes, " that by now my position is sufficiently clear that an occasional letter between us will not injure either you or me. Seriously, I think it is a good thing (and I know Botha agrees) for me to cultivate free interchange of views with the leaders and representatives of all opinion ; and, apart from this, I put you, if I may, in the category of particular personal friends as well." Lord Buxton, on his arrival, had lost no time in seeking to improve the personal relations between Merriman and Botha. " The two statesmen," he writes, " were both present at my first official dinner, a day or two after my arrival at the Cape in September, 1914. They once again met on friendly terms, and after dinner had a long, cordial and intimate talk. From that time onwards, Mr. Merriman gave General Botha, and General Smuts after him, his loyal, hearty and powerful support both in Caucus and in the House. His support was a great and material assistance to the Prime Minister and his Cabinet during the difficult and delicate situations which arose during the War, and after."

After the General Election of 1915, and Merriman's triumphant return for Stellenbosch, he was afforded another opportunity of joining the Cabinet as Minister of Finance. He discussed the offer with Lord Buxton in a conversation of

which the latter made a note at the time. " He recalled," he writes, " that he had had constant disputes with Molteno over finance, when he joined his Cabinet forty years ago, and it would be the same now. He said that he had made up his mind in 1898 that he would never be Treasurer-General again unless he were Prime Minister as well ; that thus alone would he have real control over the finances of the country, and prevent colleagues from going behind his back to the Prime Minister and committing the Government to expenditure, without the knowledge and consent of the Finance Minister. ' I should quarrel with them in a week,' he added parenthetically, ' and it would be worse for the Government if I joined, and subsequently resigned, than if I had never joined at all.' His decision was, I feel sure, a sound one." Merriman's view as to the combination of the two posts has already been discussed ; quite apart from this point we have seen that in Cabinet he was never at ease in a secondary position. Nothing had occurred since 1910 to lead him to reconsider his decision to stand aloof ; but it is noteworthy that the offer was renewed at so late a stage of his career.

The letters to Lord Buxton are interesting and characteristic, but largely cover the same ground as his correspondence with others—with Lord Bryce, for instance, Sir Drummond Chaplin and Basil Williams, from which lengthy extracts have been made in the last chapter. I have already quoted one passage from a long letter written to Lord Buxton on the death of Steyn. In the same letter he proceeds to refer to some of the difficulties confronting Botha at Pretoria and Smuts in his East African campaign. Of Smuts he says :

> He must be in much the same position that Washington was between his jealous and discontented Generals and the factions in Congress. But Smuts is tough and fearless. He will pull through all right and may be trusted to look after his own head. Probably of the numerous lines of attack that of the employment of natives in Europe is the most serious. Botha's enemies will make a grand battle-horse of this, and many who are anything but enemies, many who are sincere well-wishers, regard it as a highly dangerous experiment and one that may possibly lead to disaster. Anything

that tends to lessen or break down the almost superstitious regard that the native has—perhaps one should say had—for the white man makes for evil. I can imagine nothing more likely to do this than the curiosity and familiarity of white women.

He goes on to say (writing from Schoongezicht) :

Feeling down here has not improved. I sent Botha the other day a notice openly displayed on the High School Notice Board, of all places, calling upon sympathizers to attend a monster meeting of the " Anti-Khaki " Association, whose object is to foment hostility to British rule and to incite its members to break the law. . . . Nothing will, and perhaps nothing can be done, and in this way the hands of authority are weakened and the fomenters of strife emboldened to go further. . . . Well will it be for us, if we escape without a real civil war. Still how petty are our troubles compared with those of England, who must be bleeding to death financially, and in other respects seems to be steering her course in a somewhat rudderless condition.

In January, 1920, there is a letter acknowledging an account received from the Governor-General of a visit to German South-West, in which he again repeats his regret that the Scanlen Ministry failed to take advantage of the opportunity of annexing that country which they had in 1883. With regard to the Bushmen he says :

I am glad that you saw the Bushmen, though with what you say, if you will forgive the remark, I think you are rather hard on the race. In a sense they are one of the most interesting fragments of mankind, the sole or almost the sole remnants of primeval man. They possess certain gifts superior to those of the negroid races, *e.g.* that of art, their treatment of women and their belief in the unseen. . . . It is curious to find in the paintings in the caves of Spain and on the Mediterranean undoubted pictures of the progenitors of the Bushmen—how their descendants made their way down to the end of the African Continent through the negro belt would be a strange odyssey.

In the following October he refers to the increasing gravity of the native problem, the apprehension aroused by the Native Land Act and Smuts's apparent disposition to support segregation. This was after a serious *émeute*, suppressed with much violence, at Port Elizabeth.

In June, 1921, after the butchery of the fanatical "Israelites" at Bulhoek, he reverts to the same subject and the opportunity afforded for "a very determined Bolshevik propaganda." The friction, he mentions, had been increased by a new poll-tax in the Transvaal. Meanwhile, "the police," he adds, "are supine and indifferent, and the authorities appear to encourage the flood of dubious refugees from Russia and elsewhere that have benefited by the Bolshevik regime. Perhaps the most real danger is from Islam, which is creeping down the East coast and has reached Beira. The contrast between the religion of Mahomet and Christ is so marked that to the warlike native the former is very attractive. The Moslem practises what he preaches irrespective of colour of skin or race, while we rigidly draw the line at colour. Should the day ever come when the Bantu race becomes permeated by Islam it will be a bad day indeed for white South Africa." [1]

Merriman was an indefatigable correspondent. In the following month there is a long letter—eight large pages, closely written—sent after the close of the Session, in which he describes the financial "slump" and reverts to the causes and symptoms of native disaffection. He mentions various fanatical sects, and the proceedings of their votaries, as a sign of the times and showing that the natives required very careful handling. "Smuts's native policy," he concludes, "is good, if he would only apply his great talents to administration."

Merriman endeavoured to supply the late Governor-General with full information as to the trend of events since he left the Union. In October we find him writing with characteristic pessimism in reply to a letter from Lord Buxton describing a debate on the Irish question. He is vigorous in his denunciation of President Wilson and his nostrums—his cargo of political dynamite labelled "self-determination," which was producing so much mischief, and his Covenant of

[1] In one of his recent lectures at Oxford General Smuts alludes to "the enormous progress and still rapid spread of Mohammedanism" in Africa.

the League, in the drafting of which he deplored the assistance given by Smuts. He also refers to the excellent work of Jagger as Minister of Finance in the reconstructed Cabinet and his courage in grappling with the situation and endeavouring to restore financial equilibrium. " It gave me great pleasure," he concludes, " to read your speech and to see the good impression that it made. You are constantly remembered here with affection and regret."

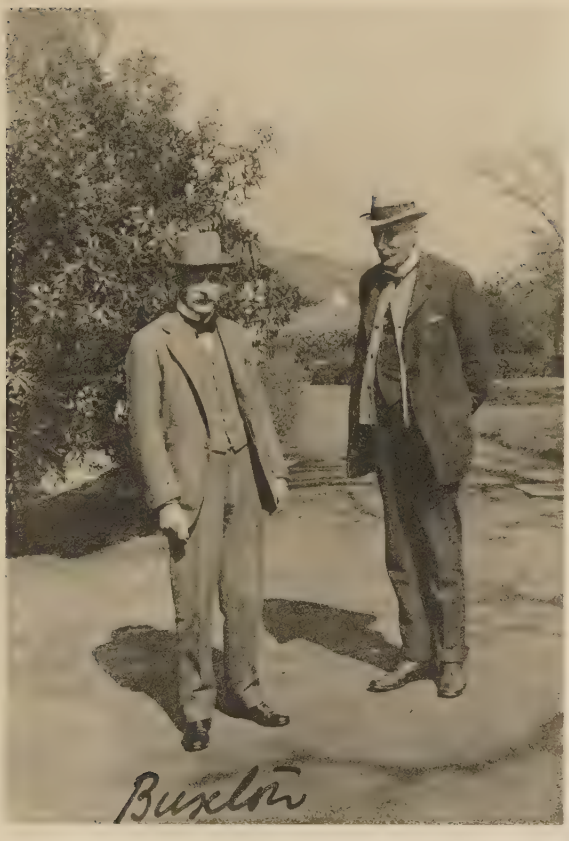
The last of these letters was written at the end of July, 1923, only a few days before the stroke which stilled his pen. In this letter, after referring to the serious financial situation and the possibility of the compact between the Nationalists and the Labour Party defeating the jaded Ministry of Smuts, he goes on to say :

> The worst feature in the case is the disturbed condition of the natives. They seem to have lost confidence in the white people and the justice of the English and, worst of all, in the Christian religion. Part of the cause of this is the several regrettable incidents that have taken place, winding up with the Bondelzwarts rebellion. There is also a propaganda with a distinctly Bolshevik flavour in communication with Moscow ; how far all this goes I do not know but that there is unsettlement is certain.

Lord Buxton was inclined to rally Merriman on his pessimism, but in the way in which things have shaped, since the calamity which closed his correspondence, there has been much to justify his gloomy forecast.

Not less interesting than this correspondence are some of Lord Buxton's recollections of personal intercourse—at Government House at Pretoria, at Capetown during the Session, and in the sylvan retreat of Schoongezicht. He writes :

> Mr. Merriman was a charming companion, courteous, considerate and understanding, and his great vitality of mind ever made itself felt. His talk was delightful—easy, outspoken, racy and shrewd. His humour was keen, his wit was on occasion somewhat mordant, his tongue perhaps not always under sufficient control. Apart altogether from politics, his range of interests was very wide and, though no monopolist in conversation,



MERRIMAN WITH LORD BUXTON IN THE GROUNDS
OF GOVERNMENT HOUSE, PRETORIA

he poured out in profusion the storings of an active and well-stocked mind and memory. He loved correspondence, and wrote a strong, legible hand. His letters, like his talk, were frank and critical. Commenting on the result of a certain general election, and referring to two somewhat unpopular members who had lost their seats, he wrote : " The loss of A. and his amiable confrère will leave many a dry eye."

As a guest at luncheon or dinner, he was one of those who unconsciously but effectively oil the social wheels of talk or of play. He threw himself like a boy, heart and soul, into any game that was going. I remember, for instance, one evening at Government House, we played " Racing Demon " after dinner ; Mr. and Mrs. Merriman were partners. The game was new to them, nevertheless they won hands down, to every one's surprise, including their own. Elated at his success Merriman characteristically observed that it was clear to him that the chief requisites for the game were " a long arm and an easy conscience."

" His companionship and friendship," Lord Buxton adds, " were a great factor in our Capetown life, and the advice and encouragement which I throughout received from Mr. Merriman was to me of immense value and support through anxious and troublous times."

Lord Buxton naturally followed the proceedings of the Legislature with the zest of an old parliamentary hand. Of Merriman he says :

He was above all a great Parliamentarian. Indeed he may be said to have symbolized parliamentary institutions in South Africa ; and the dignity and orderliness of the House of Assembly were very dear to him. It is true indeed that, in his later years, he was somewhat of a chartered libertine, not infrequently straining the Rules of the House, and not averse, in his exuberance, to overstepping the strict order of debate. He was a persuasive and effective speaker. His voice was sonorous, well modulated and pleasing to the ear, and the delivery was greatly enhanced by a fine and dignified presence. . . . His somewhat old-fashioned eloquence rose on occasion to great heights of dignity and power, dominating the House ; on other occasions mordant and provocative, he mischievously enjoyed the stirring up of strife. . . . It must be confessed that, in my time at least, he was at times a somewhat irresponsible and erratic speaker. It was by no means

certain when he got up to speak whether, carried away by the emotions of debate, he would be able to refrain, before sitting down, from making his friends wince by some damaging argument or embarrassing aside.

In this appreciation of Merriman in the House there are phrases and sentences which are practically a repetition of what has already been derived from other sources ; but I felt reluctant to omit the corroborative impression of such an experienced parliamentary critic. Merriman, Lord Buxton adds, was proud of his position as a life-long member of Parliament, and was immensely gratified that in his later years he should have been singled out to be annually congratulated on his birthday. On the occasion of his eightieth birthday (March, 1921) he wrote to Lord Buxton in England :

> It was very kind of you to remember my anniversary and send me such a kind message, which was highly appreciated by my wife and myself. Indeed every one has been most kind. Smuts made quite a function in the House. Hertzog, and Boydell (as representing Labour) made very nice speeches, and all the members rose to agree to a resolution which was duly passed. I must say this honour was unexpected. But as an old gladiator I know that I must take my chance of being rolled in the sweat and dust of the arena in my turn.

Before his South African appointment Buxton had rather specialized in financial topics. His writings include a historical study of " Finance and Politics " and another on Mr. Gladstone as Chancellor of the Exchequer. He was in full sympathy with Merriman's zeal for public economy. " Apart," he says, " from the interests and excitements of party politics, Merriman's great passion was finance. Even up to the end he studied and quoted financial authorities, and constantly dealt with the subject in conversation and correspondence. Public economy was to him a fetish ; the cardinal sin was reckless and unchecked expenditure ; to balance a Budget was the acid test of financial integrity ; an uncovered deficit was anathema. He admitted that he was

somewhat old-fashioned in his views on finance and lamented that the times were out of joint. 'Far away indeed,' he wrote (December, 1914), 'are the times when Chancellors of the Exchequer even pretended to care for Economy, either plain or political.' 'Economy,' he remarked a little later (September, 1917), 'seems to have followed its relation Political Economy to Saturn as far as we are concerned.' "

Closely connected with these sentiments was his detestation of bureaucracy, with the multiplication of paid officials, constituting a dangerous percentage of the electorate, an evil accentuated by the War. "The legislation," he wrote (October, 1921), "that has sprung from the necessities of the war, with all its Proclamations, Regulations, Boards, Committees and Commissions, has landed the country in a terrible mess. But I will not presume to try and describe them in detail, for you have before you the great model upon which we have shaped our poor but equally mischievous little imitation."

Space precludes further citation of Lord Buxton's appreciative memorandum, which concludes with a word of "affectionate remembrance" of Mrs. Merriman, whom the Buxtons had found a charming hostess on their visit to Schoongezicht. "Their marriage," he says, "was a singularly perfect one, though two people could hardly have been more different. She very gentle and controlled, he fiery and impulsive, and, different as they were, they left the impression of complete devotion to each other."

CHAPTER XXVII

THE CLOSE

Merriman's last letter to Williams—Sudden death of Mrs. Merriman—Merriman has a stroke—Last years—Death in 1926—Tributes in the press from public men—Speeches in the House—Main features of Merriman's public life—His religious opinions—His example and personality.

MERRIMAN's last letter to Basil Williams—33 in all have been preserved—was written from Schoongezicht in September, 1923. Williams was then lecturing in Canada. Merriman begins by expressing his approval of an article on the League of Nations which he had been reading in the *Philadelphia Post*. His correspondence includes many animadversions on the League. One would have supposed that, by this date, he could scarcely have failed to recognize how much valuable work, in many departments, already stood to its credit. But he had his full share of the irreceptivity of the old ; and the League, like proportional representation, female suffrage, inter-colonial preference, and other new devices, had been assigned a place in his category of " jim-jams," from which it never emerged.

In the course of his letter he remarks that " we are getting into troubled waters—finance, racialism and above all our native policy. . . . We have seen our natives lose with increasing rapidity their trust in our justice and in our faith." He draws an unfavourable comparison between the treatment of natives in the Union and the methods which, under the new *régime*, had been adopted by the Belgians in the Congo. " The Congo Free State," he adds, " should be the most successful and flourishing part of Africa. Your namesake (Robert Williams) has got a concession of extraordinary value, mountains of minerals—copper, tin and radium. In addition, he has a concession at the bottom of the Soudan,

between that and the Congo, on the Mountains of the Moon, 6,000 feet high on the Equator, surrounded by a ring of snow-clad volcanoes, with exquisite scenery, docile natives, and every description of wild animals, from gorillas and lions. So now, I beg you, buckle your belt and join your namesake in this earthly paradise."

The date of this letter was 5th September, 1923, and it must have been among the last he wrote. Five days afterwards came the great calamity. After a singularly happy union, extending over fifty years save one, he was suddenly to lose his beloved companion, the partner of all his thoughts and joys and sorrows. As already mentioned, they had both been somewhat indisposed and the doctor had been sent for. On arriving he found them together in the library, and in his presence Mrs. Merriman collapsed from a sudden failure of the heart. During the ensuing night Merriman had a paralytic stroke, and soon became unable to set pen to paper. He could not even resign his seat, and continued to represent Stellenbosch till the dissolution in the following year. He had then been a member of Parliament for nearly 55 years, with the exception of a few months after the election of 1904.

There seems no occasion to describe at any length the days of decadence which followed this disablement. After a while there was a partial recovery from the first attack, and for a season he took up his residence at the Cape. After returning home, occasionally, when he felt equal to the effort, he revisited the metropolis, lunching at the Club and calling on his friends. But such journeys became difficult ; his speech was affected and intercourse was far from easy. At Schoongezicht he received many visits from old friends, such as Sir J. Rose Innes, his former colleague, and then Chief Justice ; Sir William Solomon, who succeeded Sir James in that position ; Mr. Currey, who had been his Secretary in the early days and his colleague in his last Ministry ; and General Smuts, when he came down for the parliamentary session. Among his neighbours were Sir Thomas Smartt, with whom he had had so many sharp bouts

in the Cape House, and who had acted with him, during and since the War, as an independent supporter of Botha and Smuts, and Mr. Jagger, another old colleague at the Cape. Both Smartt and Jagger made a point of paying him weekly visits and he much appreciated their attention. In the management of the farm, and in other respects, both Mr. and Mrs. Nicholson—Mrs Nicholson, it will be remembered, was his niece—gave all possible help.

It soon became clearly advisable to seek for some competent person to combine the functions of housekeeper and nurse. For these services a Miss Gilchrist was engaged and it is agreed that she showed competence and efficiency in their discharge. She has kindly supplied me with a brief epitome of her experiences and recollections during the period of some thirty months between her arrival and his death. A sort of time-table was arranged for his daily life. After breakfast and a cigar—he was still able to enjoy a cigar after each meal—he would go to the office to discuss farm business with Nicholson. The daily post arrived at noon and he always read the papers with interest : up to the last, his sight remained remarkably good and he could read small print without glasses. Always an early riser, he continued the habit of retiring at an early hour. He was still able to pay an occasional visit to the City. When there, he was fond of looking through the latest books received at Darter's shop ; he always kept up his interest in works of travel or adventure.

In the middle of 1925 he was further crippled by an attack of rheumatism ; after this, he seldom ventured far beyond his own grounds. He gradually became feebler, his interests in life relaxed, and he spent much of his time in his bed-room. In the following year, at the end of July, he developed a cold, which settled on his lungs. The doctor gave little hope of his recovery ; by this time there was no recuperative power. The end came quite peacefully, in the presence of his nurse, as midnight approached on the 1st August, 1926. After an impressive service in the English Church at Stellenbosch, he was laid to rest, amid a great and sympathetic concourse,

in the cemetery of the Cape Peninsula. Among the pall-bearers were Sir James Innes and Sir Thomas Smartt, Mr. Currey and Lord de Villiers ; the service was conducted by the Archbishop of Capetown.

Parliament was not then sitting ; but many tributes appeared in the press from representative men of all schools of thought. The Prime Minister, General Hertzog, issued a message in which he described Merriman as one who " loved South Africa and served her with the devotion of a son. . . . As a great champion in the cause of freedom, justice and pure government, John X. Merriman will always live in the history of our country." Colonel Creswell, leader of the Labour Party, spoke of him as " the greatest Parliament man and figure we have known. However hard he hit," he added, " he never hit a hair's breadth below the belt, and, while he hit with all his strength and all his skill, the blows he gave never rankled. . . . He was a great Parliamentarian and, while typically English, a great South African who drew to his friendship political friend or foe alike." Mr. Patrick Duncan, representing the Unionist Party, referred to him as one who " was by profession a Liberal in politics, and had in full measure that fearless and burning indignation against injustice and oppression which was characteristic of Liberalism in its great days. . . . What he has left for South Africa is the memory of a great champion of the highest standards of public duty. A fearless critic of inefficient and selfish policy, an uncompromising enemy of injustice and oppression, and an upholder of the weak against the strong. Although at times a strong and even bitter critic of British policy, he had an intense pride in his race and in the English tradition. Personally he was a man whose society was a delight and whose friendship was a thing to be treasured. . . . In spirit he never grew old, and by those who knew him he can never be forgotten."

General Smuts, in a communication to a Johannesburg paper, spoke at some length of " the greatest Parliamentarian we have ever had. . . . To our young members of Parliament

he was ever an example of the high and noble spirit in which public life should be carried on ; and if to-day the Parliament of the Union holds an admittedly high place among the Parliaments of the Empire, it is in no small measure due to the constant practice and example of Mr. Merriman. To me he was ever a great friend, and in many ways I owe him more than I can tell. Above all, I shall ever remember that to his great keenness for Union is largely due the fact that we are a great united country, with a proud destiny before us."

Last but not least, the Archbishop, speaking in the Cathedral, described him as " a worthy son of a worthy father . . . brilliant in intellect, great in culture and, above all, fine in character, had been the man of whom they were specially thinking ; no man had been more highly or more deservedly respected. He had never been afraid to speak and to act on behalf of what he believed to be righteous, though it may have seemed to have been to his own hindrance. He had lived his life for the good of his country and had been a true friend of the native people. Now, full of years and honour, he had fallen on sleep."

When Parliament met in the following January, the Prime Minister, General Hertzog, moved as an unopposed motion : That this House profoundly regrets the loss South Africa has sustained by the death of the Right Hon. John Xavier Merriman on the 2nd August, 1926, and resolves to place on record its esteem for that gifted statesman, its gratitude for his unceasing efforts to maintain the loftiest traditions of parliamentary government, and its acknowledgment of his disinterested and courageous devotion to the country of his adoption during an unbroken period of more than half a century in Parliament. The House further resolves that an expression of its sympathy be conveyed to his relatives. He spoke as follows :

I ask that that esteem and appreciation which this House has always entertained towards this great South African statesman during his lifetime shall again be recorded by this House. It is true that for several years prior to his death he ceased to be a

member of this House. I think I am voicing the feelings of everybody in this House when I say that his great services to the country, the great influence which he always exercised in this House, the feeling of respect and friendship which all members of this House have constantly felt, in spite of his being no longer a member of Parliament, have really contributed to make him a member of the House, even though strictly and officially he ceased to be so. It can be truly said of him that his efforts to maintain the loftiest traditions of parliamentary government have been unceasing, and I know of no man whose example and influence have contributed more to a high tone in debate, and to a sound and healthy parliamentary feeling in this House. His devotion to South Africa and to the people of this country has been unfailing, and, in championing from time to time the cause of the weak and the defenceless, I do not know of any other man who has shown such courage in the face of difficulties and prejudices. I can only say he has been a great South African, and it is with a feeling of deep appreciation of what he has done to the country, and what his memory will continue to be to South Africa, that I move this motion.

He was followed by General Smuts on behalf of the Opposition, and by Col. Creswell, the Minister of Defence, as representative of Labour. I have already cited their contributions to the press at the time of Merriman's demise, and need not here quote their speeches, which were of similar tenor. The House was also addressed by Mr. Krige, a respected member of the South African Party from the Cape Province, who had been Speaker of the Union House of Assembly. Mr. Krige said :

I do not wish to introduce a provincial note, but still I feel that the late Mr. Merriman became a statesman in the old Cape Colony, and as a Cape Colonist, I wish to say a few words in honour of his memory. If there was one of his characteristics that I admired it was his amazingly great love of our parliamentary institutions. He had a great ideal of Parliament and of parliamentary institutions. When I occupied your position, Mr. Speaker, he often stated in private conversation—and perhaps, before his demise had similar conversations with you—that he believed in Parliament as the foundation of the people, and that is one of his characteristics which we can retain in the history of

our people. Although he was born in England, there is another point which arouses admiration, viz., the wonderful confidence which he enjoyed in the country parts, particularly in the Cape Province, but also in the whole of South Africa, which was for the most part due to his great prudence with reference to our State finances. It is wonderful how the memory of Mr. Merriman is still honoured to-day in our country areas. Our farmers had confidence in their English friend, their fellow Afrikander, and in this respect also he exhibited a characteristic which we can develop —namely, that of mutual respect even when the other man is born outside South Africa. This is not the time to make a long speech, but as Mr. Merriman was so well known, particularly in the Cape Province, I just wished to say these few words, and hope that we shall always honour his memory and think of it with affection.

General Smuts, it may perhaps be added, had concluded his speech with the following observations :

Best of all his services to us were those at the time of Union. I do not think that justice has been done to him in that connection. His extreme desire for Union, his zeal for Union, made that one of the great causes which he fought to bring about for South Africa. But for his active participation, his driving force as Prime Minister of the Cape in the National Convention and outside of it, I am doubtful whether we would have carried the day which probably was the greatest day in the history of South Africa. Standing here to-day, I think it is our duty to record the great past, and to pay our tribute of respect to one of the great heroic figures of our country. Although he was not a born South African, he was so identified with South Africa that we look upon him as one of our great sons. We are pleased that in his passing from us there is not a blot on his escutcheon.

When perusing these remarks I could not avoid the reflection that Merriman in the after years had often seemed doubtful whether, in devoting so much of his time and capacity to the work of Unification, he had been well advised. In more than one of his letters to Basil Williams he had referred to his expression of this doubt in a conversation they had immediately after the delegates had signed the draft. As time went on it seems to have grown. The fact, of course, was that, at the time of the Convention, some form of Union

was the only method by which British South Africa could escape calamity. The whole situation—historical and geographical, economical and racial—was then such that some system of *rapprochement* was essential in order to escape the disasters of disruption. At the same time it is easy to appreciate the reasons why, as time went on, his reflections on the subject were sadly clouded.

There was, in the first place, the grave question of finance. Merriman had always adhered to the principles referred to in this speech by Mr. Krige. What Morley says of Gladstone may well be cited as equally applicable to Merriman : " His passion for economy, his ceaseless war against public profusion, his insistence upon rigorous keeping of the national accounts—in this great department of affairs he led and did not follow. In no sphere of his activities was he more strenuous, and in no sphere, as he must well have known, was he less likely to win popularity. For democracy is spendthrift ; if, to be sure, we may not say that most forms of government are apt to be the same." (*Life*, iii. 537.)

Merriman apprehended, with only too much reason, that the Transvaal, with its great resources, would control the financial methods of the Union. Too many Ministers were appointed, with salaries unduly high ; there was lavish and unauthorized expenditure on public buildings at Pretoria ; and the Volksraad, before dispersing, succeeded, notwithstanding the protest of the Auditor-General and the ruling of the Court, in grabbing their pay and allowances for another Session. Since then, there have been ups and downs in the annual budget ; on the whole South Africa, largely owing to the lavish British expenditure during the War, and the favourable balance of trade, has enjoyed considerable prosperity ; but in view of the fact that its revenue is largely produced by mineral wealth, not inexhaustible, it is perhaps regrettable that fuller provision has not been made for the amortization of the public debt, which now stands at double the figure of the combined debts, at the time of Union, of all the Provinces.

Again, with regard to racial feeling, it is certainly deplorable that the sentiments of some of the leading men in the former Republics, after the accommodation in 1902, referred to by Merriman in an eloquent passage already cited from his speech on the proposal to suspend the constitution of the Cape, have not been more generally exhibited since the signing of the Convention. When the Great War broke out, it was only too evident that a large section of the former Republicans, with many sympathizers at the Cape, welcomed it as an opportunity for regaining their independence. Their attitude and activities, throughout the War, vastly enhanced the difficulties of Botha and Smuts in rendering their eminent services, both in South Africa and beyond its borders, to the cause of the Empire. Since the Armistice, moreover, there have been some distressing episodes—as, for instance, with regard to the question of the Flag—while there appears to be a widespread impression that, in appointments to the public service, the race and language of applicants are apt to have more weight than their special qualifications for vacant posts. As to the question of defence, Merriman's view that the Union, while making due provision for internal defence, should, in the matter of external defence, follow the example of other Dominions by making a substantial contribution to the cost of the Navy, has hitherto received little recognition. I need not dwell on such questions as that of status, or diplomatic relations and treaty-making powers, on all of which the Home Government has spared no effort to meet the aspirations of the Dominions; but a word must be added on what is perhaps the gravest problem of all, that of an equitable and sagacious native policy. That, as we have seen,[1] is a question on which General Smuts, before Union, could only express the hope that a future generation might be better able to arrive at a just solution than his own contemporaries. It is a question on which Merriman, from the days when Responsible Government was established, had always apprehended that

[1] *Supra*, p. 232.

it might become the battle-ground for party controversy among the European inhabitants of South Africa. After Union, as time went on, he became more and more convinced that the future of African civilisation depended on a just settlement, not only in the Union and the adjacent Protectorates, but in the expanding communities beyond their borders. It is to be feared that, had his life been prolonged, his anxiety on this vital matter would not have diminished. It is not surprising that, in the later years, his reflections on such topics became sadly pessimistic. He could only console himself with the reflection that, throughout his long career, he had endeavoured to set and keep the ship of State on the right course ; if he had not always been able to command success, he had spared no effort to deserve it.

Little, if anything, has been said in these pages with regard to Merriman's views on the subjects of religion and belief. That he remained a faithful follower of the Church of his fathers the statement of the Archbishop may seem sufficient testimony. On one occasion, when consenting to represent the Church of the Eastern Province at some synodical gathering at the Cape, he wrote to his mother that he did so not without hesitation, being himself "such a thorough Erastian." Whether he meant by this phrase that he demurred to the exercise by the Church of disciplinary jurisdiction over its own members, or that his recognition of the value of the services of the Church did not necessarily imply any specific acquiescence in its dogmas, may be matter of conjecture ; but he followed its functions and was in the habit of using daily a simple form of prayer for his little household in the country. His broad view was that, irrespective of any particular formula, the life of man should be devoted to worthy purposes, pursued by worthy means ; in some cases he thought the aim more important than the achievement. Among the adventurers and explorers in whose work he was so keenly interested, none stood higher in his esteem than Captain Scott, who had been his guest at Schoongezicht.

Some reference has already been made to the eloquent speech which he delivered when unveiling the Scott memorial at Capetown. He then cited the entry in Scott's journal, " It is the work that counts, not the applause that follows." Following up this sentiment, he concluded with the quotation of a favourite passage of his own :

> In earthly races
> On winners only do the heralds call.
> But, oh ! in yonder high and holy places
> Success is nothing, but the work is all.[1]

These lines, I am informed, he had framed and hung over his bed at Schoongezicht. In the days, of which there were many, of trial and disappointment, of frustrated efforts and objects unattained, he doubtless derived some consolation from the legend. Sufficient, it is conceived, has been said to show that, whatever his plans and policies, in his long career he nothing common did nor mean, and that he set an inspiring example to those who should follow in his steps ; sufficient to give some indication of a personality so deeply cherished in the memory of those who enjoyed the privilege of his friendship.

[1] These lines occur in a poem by Dean Farrar, in memoriam of the first Master of Marlborough. See *In the Days of Thy Youth*, p. 242.

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